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CLERK U.S. DISTRICT COURT	
DISTRICT OF ARIZONA	
BY <i>JMP</i>	DEPUTY

IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

JOSHUA S BARKLEY

CV-19-01595-PHX-DWL

Petitioner

V.

UNITED STATES DEPARTMENT OF LABOR

&

NATIONAL LABOR RELATIONS BOARD

&

INDEPENDENT CERTIFIED EMERGENCY PROFESSIONALS OF ARIZONA

&

IAEP/NAGE/SEIU 5000

Respondent(s)

COMPLAINT FOR DAMAGES

BIVENS ACTION / 5th Amendment

TITLE 18, U.S.C., SECTION 241 / 242 DEPRIVATION

Jury Trial Demanded

- 3) 18 U.S. Code § 880. EXTORTION
- 4) 18 U.S. Code § 872, Extortion by officers or employees of the United States
- 5) 18 U.S. Code § 1018. Official certificates or writings
- 6) 18 U.S. Code Chapter 47 / ATTORNEY MISCONDUCT/
FRAUDULENT MISREPRESENTATION

- 7) **18 U.S. Code § 1512 TAMPERING WITH A WITNESS**
- 8) **18 U.S. CODE CHAPTER 47 /1001 FRAUD**
- 9) **TORTIOUS INTERFERENCE**
- 10) **TITLE 28 U.S. Code § 2201**
- 11) **TITLE 28 U.S. Code § 2202**

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Table of Authorities

18 U.S. Code Section 241 p. 3,4, 20, 22, 25

18 U.S. Code Section 242 p.3, 25,

18 U.S. Code Chapter 96 p.8, 13, 19, 21, 22, 25

18 U.S. Code § 1964. (C) Civil remedies p. 14

18 U.S. Code § 1962. Prohibited activities

29 U.S. Code § 1113 - Limitation of actions

28 U.S. Code § 1331 - Federal question

29 U.S. Code § 141 - Short title; Congressional declaration of purpose and policy

29 U.S. Code Chapter 11 Labor Management Reporting and Disclosure Act.

29 U.S.C. 482 Sec. 402. Enforcement p.9, 13,

29 U.S. Code National Labor Relations Act

29 U.S. Code § 187

29 U.S.C. §§ 151-169

(29 U.S.C. 412 SEC. 102) p.9, 10,

29 U.S.C. 482 Sec. 402. U.S. Code Title 29 Chapter 11 Subchapter V

Hodgson v. CHAIN SERVICE RESTAURANT, L. & SF EMP. U., L. 11, 355 F.

Supp. 180 (S.D.N.Y. 1973)

28 U.S. Code § 636 - Jurisdiction, powers, and temporary assignment

Labor-Management Reporting and Disclosure Act of 1959, As Amended

Title IV - Elections

Cf. Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 388 ; Butz v.

Economou, 438 U.S. 478 . Pp. 233-249.

First, Fifth, and Fourteenth Amendments of the United States Constitution

Arizona Revised Statute 13-2310. Fraudulent schemes and artifices; classification;

definition p. 12, 13

16 A.R.S. Rules of Civil Procedure, Rule 17 p. 22, 25

PARTIES, JURISDICTION AND VENUE

1) Joshua S. Barkley, Pro Se litigant, founder and previous officer at the ICEP of Arizona , individually and pro-se allege the following complaint:

2) Plaintiff brings this complaint pursuant to (29 U.S.C. 413)

3) Plaintiff brings this complaint pursuant to 29 U.S. Code § 412 - Civil action for infringement of rights

4) Plaintiff brings this complaint pursuant to common law tortious interference.

5) Plaintiff brings this complaint pursuant to 29 U.S. Code § 187

6) Plaintiff brings this complaint pursuant to 18 U.S. Code Section 241

7) Plaintiff brings this complaint pursuant to 18 U.S. Code Section 242

1 8) Plaintiff brings this complaint pursuant to (29 U.S.C. 411)(4) Protection of the
2 right to sue.

3 9) Civil Enforcement (29 U.S.C. 412) Sec. 102 Jurisdiction is proper pursuant to
4 the Labor Management Reporting and Disclosure Act.

5 10) Defendant Department of Labor chose this Jurisdiction to initiate the point of
6 contention in Labor Union Officer Election case no. CV-14-01723-NVW and
7 neither side contests Venue or Jurisdiction.
8

9 11) Jurisdiction arises under Civil Enforcement (29 U.S.C. 412) Sec. 102 and
10 Retention of Existing Rights (29 U.S.C. 413) Sec. 103
11

12 12) This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331
13 because this suit concerns authority under the Constitution of the United States and
14 the Labor Management Reporting and Disclosure Act.
15

16 13) This Court also has jurisdiction to compel an officer of the United States or any
17 federal agency to perform his or her duty pursuant to 28 U.S.C. § 1361.
18

19 14) The U.S. District Courts have jurisdiction over judgments involving the
20 actions, or lack thereof, of U.S. Government agencies and their employees.
21

22 15) The contention in this case originated in the US District Courts, District of
23 Arizona, on a union officer election case (*Case No. CV-14-01723-NVW*) forced on
24 the Plaintiff as President of Defendant Union and served at his home in Tempe
25 Arizona by the Federal Marshalls at the behest of said DOL defendant(s)
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1 16) Therefore, A federal Agency of the United States of America has initiated and
2 maintained the Jurisdiction is in the US District Courts, District of Arizona.

3 17) Plaintiffs bring this action under the APA, 5 U.S.C. §§ 500-706, and under
4 Article I, section 1 of the United States Constitution. 7.

5 18) Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1331 and 5 U.S.C. §
6 702. Case no. CV-14-01723-NVW

7 19) Venue is proper under 28 U.S.C. § 1391(e) in that (a) the Defendants include
8 an agency of the United States and employees of that agency acting in their official
9 capacity; (b) Plaintiff Joshua S Barkley resides in this judicial district

10 20) This Court can grant declaratory and injunctive relief under the Declaratory
11 Judgment Act, 28 U.S.C. 2201 and 28 U.S.C. § 2202 as well as 5 U.S.C. §§ 701,
12 et seq., for violations of, inter alia, the APA, 5 U.S.C. § 706. 10. This Court is
13 authorized to grant Plaintiffs' prayer for relief

14 21) The Court is authorized to award the requested declaratory relief under the
15 APA, 5 U.S.C. § 706, and the Declaratory Judgment Act ("DJA"), 28 U.S.C. §§
16 2201–2202.

17 22) The Court is authorized to award injunctive relief under 28 U.S.C. § 1361

18 23) Jurisdiction and Venue are proper pursuant to 28 U.S.C. § 1331 and 1343.

19 24) Defendant US Department of Labor / Office of Labor Management Standards
20 is a federal law enforcement agency established pursuant to 29 U.S. Code § 551
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1 25) Defendant Department of Labor is subject to a civil suit and may be held
2 liable both independently and vicariously, as permitted by federal and state law, for
3 the wrongful conduct of its officers, employees, agents, districts, and
4 divisions/sub-divisions, including the United States Government, U.S. Department
5 of Labor and sub-division Office of Labor Management Standards and its officers
6 and employees.
7

8
9 26) Defendant U.S. Department of Labor Patricia Fox in her Capacity as Chief,
10 Division of Enforcement at all times during the alleged events, was operating
11 pursuant to (29 U.S.C. 440) in the US District Courts of Arizona.
12

13 27) Defendant US Department of Labor Phoenix Beausoleil was operating
14 pursuant to (29 U.S.C. 440) in the US District Courts of Arizona.
15

16 28) Defendant US Department of Labor Edgar Oquendo was operating pursuant to
17 (29 U.S.C. 440) in the U.S. District Courts of Arizona
18

19 29) Defendant U.S. Department of Labor Thomas Hayes was operating pursuant to
20 (29 U.S.C. 440) in the US District Courts of Arizona
21

22 30) At all times, Defendant U.S. National Labor Relations Board Regional
23 Director Cornele Overstreet was a resident of Arizona operating under 29 U.S.
24 Code § 161
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1 31) At all times, Defendant U.S. National Labor Relations Board Law enforcement
2 investigator Miguel Rodrigues was a resident of Arizona operating under 29 U.S.

3 Code § 161
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5 32) At all times, Defendant US National Labor Relations Board Law enforcement
6 investigator Keith Ebenhotlz was a resident of Arizona operating under 29 U.S.

7 Code § 161
8

9 33) At all times, Defendant Independent Certified Emergency Professionals of
10 Arizona was operating as a labor union in Arizona.
11

12 34) At all times, Defendant IAEP/NAGE/SEIU 500 was operating as a labor union
13 in Arizona.
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15 35) At all times material to this Complaint, Defendant Department of Labor
16 officers, Fox, Oquendo, Beausoliel, and Hayes were all agents and employees of
17 defendant U.S. Office of Labor Management Standards and were acting within the
18
19 course and scope of their employment with the United States Department of Labor.
20

21 36) Defendant Independent Certified Emergency Professionals is sued in their
22 capacity as defined pursuant to 29 U.S.C. §§ 151-169
23

24 37) Defendant NLRB is sued in its capacity pursuant to 29 U.S.C. §§ 151-169

25 [Title 29, Chapter 7, Subchapter II, United States Code
26

27 38) Plaintiff brings this complaint pursuant to the First, Fifth, and Fourteenth
28 Amendments of the United States Constitution.

39) The complaint against the Defendant(s) Department of Labor / Office of Labor Management Standards is timely pursuant to 28 U.S. Code § 2462. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 2201.

40) Plaintiff claims financial, declaratory and injunctive relief under LMRDA (29 U.S.C. 412 SEC. 102)

STANDING

41) The Pro Se Plaintiff, Joshua S Barkley, has standing to bring this action pursuant to 29 U.S.C. 413 as his status as an unlawfully removed officer (President) and as a member of said Union who had his constitutional right to appeal removed by these Officers of the Department of Labor : *Labor-Management Reporting and Disclosure Act of 1959, As Amended Title IV - Elections Cf. Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 388 ;Fifth Amendment claims in Davis v. Passman. Enforcement (29 U.S.C. 482) d.Sec. 402. Deprivation of Rights Under 29 U.S.C. 413*

42) This Plaintiff has standing as the founder & rightful President and candidate in case no.(CV-14-01723-NVW) against the Independent Certified Emergency Professionals of Arizona, now unlawfully represented in the NLRB's Region 28 "Petition for Election" that began on February 6th, 2019.

1 43) The right to sue without reprisal for union eligible members is protected under
2 title 1 of the Landrum-Griffin Act.

3 44) Damages incurred from civil suit (*Barkley vs ICEP of Arizona CV-2015-*
4 *091339*) defended by people illegally in control of the defendant enterprise

5
6 45) Plaintiffs Appeal was lost on February 5th, 2019. *Barkley vs ICEP of Arizona*
7 *CA-CV 17-0772*, The court denied all submissions and pleadings from this plaintiff
8 for the duration of the litigation.

9
10 46) Defendants ICEP and their counsel Michal Petitti from Aiken Schenk and
11 Hawkins refused to withdraw and fraudulently and intentionally misrepresented the
12 defendant in a court of law. *18, U.S.C., SECTION 241 / 242 code 29 U.S.C. 413*
13 deprivation of rights. Substantial Interest: Standing SECTION 2. Clause 1 of the
14 United States Constitution protects my standing as a litigant to settle constitutional
15 violations from US Government Agencies and courts. Plaintiff has standing as
16 union member and rightful President under LMRDA 29 U.S.C. 412 SEC. 102
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22 **FACTUAL ALLEGATIONS**

23 47) On December 14th, 2014, the Department of Labor obtained a default order
24 against Defendant ICEP of Az, forcing the labor union to hold a Union Officer
25 election under civil action conditions in the U.S. District Courts of Arizona Case
26 no. CV-14-01723-NVW
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1 48) On March 11th, 2015, Defendants Beausoleil and Hayes removed this plaintiff
2 from office and swore in defendants Lopez / Empey / Gary and Garn without a
3 certification of election declaring anyone the winner (*ie, Labor union officer as*
4 *defined under (29 U.S.C. 501).*

6 49) Also on March 11th, Plaintiff Barkley served the defendants with a summons
7 for breach of contract civil suit,(*ASC No. CV2015-091339*) an action to recover
8 nine (9) years of service to the first responders at PMT Ambulance, (*to include but*
9 *not limited to, protecting basic civil rights protected under the law for all*
10 *employees*). under agreement with these same defendants to reimburse Plaintiff
11 after dues collections commenced.

14 50) On March 16th, 2015, Defendant ICEP through its unratified officers,
15 announced they were “proctoring an election to affiliate with the International
16 Association of EMT’s and Paramedics”

19 58) On March 17th, 2015, this Plaintiff filed for an emergency injunctive relief at
20 Arizona Superior Court to stop that affiliation election based on lack of notification
21 to the members. The request was denied on the same day. *Plaintiff citing Arizona*
22 *Revised Statute 13-2310. Fraudulent schemes and artifices; classification;*
23 *definition*

26 59) On March 18th , 2015, Defendants Lopez / Empey / Gary and Garn announced
27 that the affiliation was successful.
28

60) This unlawful action joined the International Association of EMTs and Paramedics to the civil suit against the ICEP and greatly enhanced the defendants resources. (*defendant ICEP/IAEP/NAGE/SEIU/5000*)

61) On April 15th, 2015 , Defendant Fox submitted the DOL (Plaintiff in that case) certification of election to be ratified by the court.

Note:. *Defendant Hayes and Beausoliel had already sworn in those officers prior to their own agencies certificate of election and the affiliation election was approved by Defendant Overstreet with knowledge the election was improper.*

The Court never filed a certificate of election as required under title IV , Enforcement (29 U.S.C. 482 Sec. 402, due by September 12th, 2015. A decree was never issued and a request for clarification was struck from the record. Defedendant DOL/OMS violate Plaintiffs rights to due process protected under the 5th and 14th amendments of the US Constitution

Plaintiff Barkley filed an Unfair Labor Practice with Defendant NLRB Region 28, Cornele Overstreet challenging the validity of that election, On June 30th, 2015

62) Defendant Cornele Overstreet denied my complaint and ratified an election by unratified people illegally in control of the enterprise, Defendant Independent Certified Emergency Professionals of Arizona.

63) In July of 2015 , Defendant Beausoleil stated that Plaintiffs Freedom of Information requests would not be released because the Department of Labor did not get the Union Officer election certification as required under Federal Law, (29 U.S.C. 482) Sec. 402.

*FOIA request # 7 5 7 2 1 1. FOIA request # 7 6 5 1 6 4 FOIA request # 7 6 5 2 6 0
All Foia requests on these issues were rejected by By: /s/ Andrew Davis, Chief
Division of Interpretations and Standards Office of Labor-Management Standards*

64) In lieu of Beausoliels announcement , Plaintiff filed a second NLRB Unfair Labor Practice with Region 28, Defendant Cornele Overstreet, Case 28-CB-157640 On or about August 17th, clearly stating that Defendant ICEP of Arizona was in control of officers not certified by the U.S. District Courts. (*Sworn statement by plaintiff*)

65) An illegal action under both State and federal Law. *18 U.S. Code Chapter 96, 18 U.S. Code § 1964. (C) Civil remedies, 18 U.S. Code § 1346, 18 U.S.C. §§ 1961–1968, Arizona Revised Statute 13-2312*, all felonious actions

66) On November 18, 2015 at 9:26 AM, Defendant Cornele Overstreet denied my charge allowing an llegal enterprise to continue operations.

67) The actions of the officers of the U.S. Government DOL/OLMS/NLRB R-28 violated Plaintiffs constitutional rights under the fifth, seventh and fourteenth (5th, 7th and 14th) amendments.

68) Defendants' wrongful conduct deprived Plaintiffs rights secured to them by the Constitution and the laws of the United States, including, among other things:

- a) The right to due process in any court action (see three court actions)
- b) The right to be free from unreasonable search or unreasonable seizure; (*OLMS Officer Ed Oquendo's fraudulent investigation.*)
- c) The right to be free from deprivation of life, liberty, or property without due process of law;
- d) The right to Jury Trial in civil case free from Judicial Officer interference (*Jury trial asked for and over-rode by summary judgment submitted by Michael Petitti (Tortious interference) in civil case no. CV-2015-091339*)

69) Defendants' wrongful acts and omissions have had, and will continue to have,

1 an extremely detrimental impact on the Plaintiff, and the damages are significant

2 .
3 70) Defendants' acts and omissions were malicious, and undertaken with the intent
4 to harm Plaintiff or with a reckless disregard of the substantial risk of danger and
5 serious harm to Plaintiff. Therefore, Plaintiff is entitled to punitive or exemplary
6 damages.
7

8 71) Pursuant to 18 U.S. Code § 1961 501(c) / 18 U.S. Code § 1964, Civil remedies
9 these are actionable offenses against the plaintiff.
10

11 72) Pursuant to the Office of Inspector / Department of Labor, the OIG's Labor
12 Racketeering program, Defendants actions constitute fraud against , not only this
13 Plaintiff by forcing expensive and time consuming litigation against a known
14 imposter in full violation of FRCP Rule 17, but the first responders at PMT
15 Ambulance who were defrauded out of their union dues to pay for the fraudulent
16 defense. 18 U.S. Code § 880. Receiving the proceeds of extortion. Damages are
17 significant.
18
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21 73) Pursuant to 28 U.S. Code § 2414 - Payment of judgments and compromise
22 settlements: (via) *Gate Guard Services v. Thomas Perez, 14-40585-CV0, Filed*
23 *July 2, 2015. United States Court of Appeals, Fifth Circuit.* Judgement against the
24 Department of Labor / Office of Labor Management Standards, through the
25 misconduct of DOL Officers Perez, Oquendo, Hayes and Beausoleil pursuant to
26
27
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1 the 5th amendment (*Bivens / Davis v. Passman*, 442 U.S. 228 (1979) are
2 warranted..

3 75) Plaintiff has sent Defendants DOL Notice of Claim.
4

5 76) Pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of*
6 *Narcotics*, 403 U.S. 388 (1971). *Davis v. Passman*, 442 U.S. 228 (1979)
7

8 Judgement against Defendant Department of Labor are warranted.

9 **77) This action is being brought to force the NLRB R-28, Phoenix Arizona, to**
10 **cease and desist , yet a third unlawful election 1) CV-14-01723-NVW 2) NLRB**
11 **Complaint 28-CB-157640, and now an Unit clarification and or RM Election that**
12 **requires the participation of the defendant union, represented by fraudulent officers**
13 **to dismantle defendant ICEP. Defendant Overstreets rush to remove the ICEP of**
14 **Arizona is palpable.**
15

16
17 78) The required Cease and Desist Order was emailed, faxed and sent general
18 delivery to the NLRB R-28, Cornele Overstreet, Phoenix Beausoleil and the
19 Department of Labor, Office of Labor Management Standard legal Department on
20
21 Feb 7, 2019 at 11:49 AM
22

23 79) Cornele Overstreet violates the National Labor relations Act of 1935 by
24 *forming and recognizing an unlawful affiliation created through extortion and*
25 *Fraud 18 U.S. Code § 1001 / Title 18, U.S.C., Section 241 / 242 Deprivation that*
26 *would represent the employees secondary to a fraudulent vote completed prior to*
27
28

1 DOL certification of election and without a Judges decree declaring the same. 29

2 U.S.C. 482 Sec. 402.

3
4 80) Within this violation of United States Law enforcement code, Defendants
5 Regional Director Cornele Overstreet of the National Labor Relations Board,
6 Region 28, through his investigative supervisor Miguel Hernandez and his
7 subordinate, Keith Hertzog, allowed an election to affiliate between the local union
8 defendant ICEP and the International union, IAEP/NAGE/SEIU 5000 to be
9 proctored by people illegally in control of the Independent Certified Emergency
10 Professionals of Arizona, a violation of both the Landrum Griffin Act and the
11 National Labor Relations act.
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15 82) There is no rule or law that excludes any federal agency from violating Law
16 Enforcement mandates enforced by another Act. The NLRB enforces the National
17 Labor Relations Act of 1935 and violates that LMRDA in the Directors unlawful
18 recognition of a unratified union after a fraudulent election to affiliate that he
19 investigated and approved.
20
21

22 83) Defendants Overstreet, Rodrigues and Ebenholtz eliminate the private contract
23 of recognition, eliminate the damages owed to the employees of
24 PMT/Lifeline/Ambulance, eliminate the union that defrauded this plaintiff and
25 remove the enterprise that commit multiple offenses as described pursuant to this
26 complaint. *(Tortious interference) Deprivation, title 18, USC Section 241 / 242.*
27
28

1 84) No action taken by defendant ICEP officers could be referred to in any future
2 cases without changing existing law.

3 85) The crux of all charges in this case is the missing adjudication of case no.CV-
4 14-01723-NVW . All U.S. District Court supervised election include the
5 commonalities of all similar cases:
6

7 1) A sworn affidavit from OLMS
8

9 2) A certification of election from the OLMS,
10

11 3) A Court decree by the presiding Judge certifying the election. Defendant
12 Department of Labor failed to obtain the Courts decree.

13 86) Defendant ICEP of AZ and Defendant NAGE/SEIU 500, through their
14 officers and counsel, Michael Petitti from Aiken Schenk Riccardi and Hawkins,
15 Lopez / Empey / Gary / Garn are operating and collectively bargaining in an
16 industry that affects commerce illegally without the order. *USC Ch. 96: (29 U.S.*
17 *Code § 186) 1961-1968:Deprivation, title 18, USC Section 241 / 242*
18

19 87) The DOL removed this Plaintiff unlawfully and the litigation commenced
20 immediately and persisted until February 5th, 2019. at the state level as per order
21 from US District Court Judge Stephen Logan.
22

23 88) Regional Director , Cornele Overstreet began his "Hearings" to force an
24 unlawful vote the very next day, February 6th, 2019.
25
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89) All actions by ICEP officers, their counsel and or advisors beginning March of 2015 are void as a matter of law, rendering them illegally in control of an enterprise affecting commerce.. *USC Ch. 96 (29 U.S. Code § 186) 1961-1968 / 13-2312. Illegal control of an enterprise; illegally conducting an enterprise; 29 U.S.C. 501(C)*

90) The unlawful officers of Defendant ICEP of AZ unlawfully obtained counsel to appear in civil actions against Defendant ICEP of Arizona for Breach of Contract / Unjust Enrichment. an unlawful action pursuant to :*USC Ch. 96 / 29 U.S. Code § 186, 1961-1968 / ARS 13-2312. Illegal control of an enterprise; illegally conducting an enterprise / 29 U.S. Code § 501* and used illegal union dues collections to retain the services of ASHR 13-1804. *Theft by extortion /18 U.S. Code § 880. Receiving the proceeds of extortion*

91) The ICEP has previous NLRB orders for damages obtained under the plaintiffs administration that are not fulfilled. The same NLRB R-28 is proctoring the hearings and elections to eliminate the ICEP OF AZ, those orders and damages owed to Plaintiff and members of the ICEP. The NLRB approves of a created unlawful election that removes the private contract between the ICEP of AZ and their company and devastates Plaintiffs claim with the sued enterprise now removed through unlawful recognition of its officers. *18 U.S. Code § 1018. Official certificates or writings*

COUNT 1

**1) TITLE 18, U.S.C., SECTION 241
5th & 14th Amendment Constitutional Violations**

92) Plaintiff incorporates by reference the Civil Suit created by the Office of Labor Management Standards, their officers and the Secretary of Labor in case CV-14-01723-NVW against Defendant entity ICEP of Arizona, Thomas Perez VS ICEP of Arizona

93) Defendants Perez, Fox, Oquendo, Haye and Beausoliel are and were the investigating law enforcement officers of the DOL / Office of Labor Management Standards.

94) Defendants owed a duty to proctor a lawful union officer election to which Plaintiff was a candidate. Law Enforcement (29 U.S.C. 482) Sec. 402 c) 2

95) By failing that duty Defendants conspire together to remove rights of Plaintiff protected in the Bill of Rights (29 U.S.C. 411) under the Landrum Griffin Act and by the US Constitution, Amendments five (5) and fourteen (14) and violate their own law enforcement mandate Law Enforcement (29 U.S.C. 482) Sec. 402 c) 2.

96) Without a certification of election by decree through the US District Court of Arizona in case (CV-14-01723-NVW), the Defendant(s) NLRB R-28 & DOL/OLMS breach their duty as written by congress.

97) Defendant Department of Labor / OLMS proceeded recklessly when they removed the Plaintiff from his elected position without the authority described by Law Enforcement (29 U.S.C. 482) Sec. 402 c) 2 & 18 U.S. Code § 241

98) Pursuant to Title 18, U.S.C., Section 241, the **5th and 14th amendment of the US Constitution, the Defendants violated the rights of the plaintiff to due process and the right of appeal.** No Appeal would have been necessary if

DOL/OLMS Defendants followed the LMRDA (29 U.S.C. 482) Sec. 402 2 c.

99) The Plaintiffs rights to due process in case CV-2015-091339 & appeal case BARKLEY v. ICEP; 1 CA-CV 17-0772 and election case CV-14-01723-NVW were removed unlawfully *USC Ch. 96 (29 U.S. Code § 186)* 1961-1968

100) Defendants chosen conspiracy and breach of duty was the direct and proximate cause of Plaintiffs injuries. *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971). Davis v. Passman, 442 U.S. 228 (1979) 18 U.S. Code § 242*

COUNT II

TITLE 18, U.S.C., SECTION 242

101) Plaintiff incorporates by reference the Civil Suit created by the Office of Labor Management Standards, their officers and the Secretary of Labor in case CV-14-01723-NVW against Defendant entity ICEP of Arizona, Thomas Perez VS ICEP of Arizona.

1 102) By failing to remove themselves from the Governments appointed labor union
2 officer position for Defendant Entity ICEP of Az, defendants Empey, Lopez, Gary
3 and Garn made a conscious, malicious and unlawful choice to violate law
4 enforcement mandates describe under 29 U.S.C. 4822 Sec. 402. Enforcement.
5

6 103) By refusing to acquiesce to law enforcement as written by the United States
7 Congress, the defendants actions breached the duties of labor union officers for
8 Defendant ICEP under 29 U.S.C. 482 Sec. 402 & 29 U.S.C. 501
9

10 104) Defendants actions were, and are the direct and proximate cause of the
11 Plaintiffs injuries by conspiring to remove the plaintiff unlawfully to obtain access
12 to union dues collections and collective bargaining in an industry involved in
13 interstate commerce
14
15

16 105) Without a certificate of election by decree through the US District Court of
17 Arizona in case # (CV-14-01723-NVW), the named defendant officers illegally in
18 control of defendant enterprise, Deprived Plaintiff's rights codified under
19 congressional act LMRDA (29 U.S.C. 411) Section 4 / (29 U.S.C. 482) Sec. 402
20
21

22 c) 2 by unlawfully retaining counsel to defend a case they were not party to.

23 Defendant ICEP was not represented in the Arizona Civil Cases, (*Rule 17. Plaintiff*
24 *and Defendant; Capacity; Public Officers*) yet they still won on February 5th,
25 2019) (*18 U.S. Code § 880. Receiving the proceeds of extortion*)
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106) Therefore, the violate the Plaintiffs rights to litigate against the right party of interest *16 A.R.S. Rules of Civil Procedure, Rule 17* . Defendants chosen conspiracy and breach of duty was the direct and proximate cause of Plaintiff's injuries. *18 U.S. Code § 241. Conspiracy against rights. (18 U.S. Code § 880. Receiving the proceeds of extortion)*

COUNT III

18 U.S. Code § 880. Receiving the proceeds of extortion 29 U.S. Code § 412 - Civil action for infringement of rights

107) Defendant ICEP, through officers illegally in control of the enterprise, proceeded illegally to defend the suit against defendant ICEP without the certificate of election granting them authority to do so. USC Ch. 96: (29 U.S. Code § 186) 1961-1968 / ARS 13-2312. Illegal control of an enterprise; illegally conducting an enterprise

108) Defendants represented themselves as collective bargaining agents to the company secondary to the extortive actions by employees of the United States Government and proceeded to interfere with the rightful interstate commerce of the company, the employees and this Plaintiff while extorting the members out of their union dues to fund an unlawful defense to avoid defaulting for treble damages secondary to their fraud. 18 U.S. Code § 880. Receiving the proceeds of extortion

109) Defendants moved in violation of the rights of this Plaintiff to protect their unlawful affiliation with the IAEP/NAGE/SEIU 5000 and the revenue they collected after signing an illegal collective bargaining agreement without authority to collectively bargain. 13-2310. Fraudulent schemes and artifice

110) Defendants chosen conspiracy (18 U.S. Code § 371) and breach of duty was the direct and proximate cause of Plaintiff's injuries *Title 18, U.S.C., Section 241 / 242 Deprivation / 29 U.S. Code § 501 - Fiduciary responsibility of officers of labor organization & 18 U.S. Code § 880. Receiving the proceeds of extortion , 16 A.R.S. Rules of Civil Procedure, Rule 17 p. 22,*

COUNT IV

29 U.S.C. 530 Deprivation of Rights

18 U.S. Code § 872,

Extortion by officers or employees of the United States

111) Plaintiff incorporates by reference the Civil Suit created by the Office of Labor Management Standards, their officers and the Secretary of Labor in case CV-14-01723-NVW against Defendant entity ICEP of Arizona, Thomas Perez VS ICEP of Arizona.

112) Defendant DOL /OLMS owed a congressionally mandated duty to the courts and this plaintiff to litigate and proctor a proper and valid union officer election for the ICEP of Az, to which the Plaintiff was a candidate. Without a certification of election by decree through the US District Court of Arizona in case # (CV-14-

1 01723-NVW) , Defendant breaches that duty and robbery is true. *18 U.S. Code*
2 *§ 371 /29 U.S.C. 530 Deprivation of Rights*

3 113) Defendant Thomas Perez , DOL, represented by the Arizona District
4 Attorney's office, did use force to impose an Union officer election on Defendant
5 ICEP of AZ citing USC Enforcement 29 U.S.C. 482.
6

7 114) Through continuation of the conspiracy, Defendant DOL/OLMS did take
8 contractual property from Plaintiff. Plaintiffs right to sue without interference, was
9 removed by Defendants actions and were and are the direct and proximate cause of
10 the Plaintiffs injuries. *Title 18, U.S.C., Section 241 / 242 Deprivation / 18 U.S.*
11 *Code § 872, Extortion by officers or employees of the United States / 29 U.S.C.*
12 *530 Deprivation of Rights*
13

14 Now unrecoverable by State Action as per Breach of Contract appeal in case *ASC*
15 *No. CV2015-091339.*
16

17 115) Damages and loss of property (*26 U.S. Code § 317*) were described in the
18 prayer for relief in appeal *BARKLEY v. ICEP; 1 CA-CV 17-0772.*
19

20 116) Loss of wages and expenses are owed to this Plaintiff for services rendered
21 and lost future income are warranted.
22

23 117) Defendant DOL/OLMS intentionally violated the LMRDA and the law
24 enforcement mandates their agency was formed to enforce, removed this Plaintiffs
25 rights to due process and removed Plaintiffs real party in case CV-2015-091339
26
27
28

1 *Title 18 U.S.C. Code 1951 / 5th amendment nor be deprived of life, liberty, or*
 2 *property, without due process of law / 29 U.S.C. 530 Deprivation of Rights*

3
 4 **COUNT V**

5 **18 U.S. Code § 1018. Official certificates or writings**
 6 **29 U.S. Code § 412 - Civil action for infringement of rights**

7 118) Plaintiff incorporates by reference the Civil Suit created by Defendant
 8 Department of Labor / Office of Labor Management Standards, their officers and
 9 the Secretary of Labor in case CV-14-01723-NVW against Defendant entity ICEP
 10 of Arizona via Thomas Perez vs ICEP of Arizona.

11 119) Without a certification of election through decree by the US District Court of
 12 Arizona in case # (CV-14-01723-NVW) , Robbery is true (*18 U.S.C. § 1951*)
 13 Defendant Regional Director of the NLRB R-28 Cornele Overstreet, instructed
 14 NLRB Supervising investigator, Miguel Rodrigues to oversee an investigation by
 15 Keith Ebenholtz , secondary to a complaint by this plaintiff to determine if a
 16 second election (*just days after the not-ratified officers were sworn in by defendant*
 17 *DOL investigators Phoenix Beausoliel and Thomas Hayes*) to combine the two
 18 defendant unions was lawful. *Defendant ICEP to combine with Defendant*
 19 *IAEP/NAGE/SEIU 5000*

20 120) On June 30th, 2015 and again in November of 2015, NLRB complaint no. 28-
 21 CB-157640, the Regional Director ratified that affiliation election with full
 22 knowledge that the proctors of the election, Matthew Garn, Tony Lopez, Greg
 23
 24
 25
 26
 27
 28

Empey, and John Gary were not ratified officers as mandated by Law enforcement:

(29 U.S.C. 482) . 18 U.S. Code § 1018. Official certificates or writings

121) No certification of election had been submitted by the Department of Labor at the time of the affiliation election and the US District Court never issued the Law Enforcement decree.

122) Defendant Regional Director Overstreet owed a duty to Plaintiff to lawfully investigate his complaints .*29 U.S.C. 530 Deprivation of Rights*

123) The complicit acknowledgement of fraudulent labor union officers by the Regional Director is a violation of the LMRDA and Union officer elections as described under title IV of the Landrum-Griffin Act, a congressional mandate. 29 U.S. Code Chapter 11 Subchapter 2, section 412.

124) Defendant Overstreet, NLRB R-28, Defendants, Rodrigues and Ebenholtz breached their congressionally mandated duty and thusly violated Plaintiffs 5th Amendment right to due process. *Title 18, U.S.C., Section(s) 241 / 242*

Deprivation. 2471. 18 U.S.C. § 2/ 29 U.S.C. 530 Deprivation of Rights

29 U.S. Code § 412 - Civil action for infringement of rights; jurisdiction

125) Their malicious actions resulted in an unlawful labor union administration illegally in control of an enterprise affecting commerce that was previously in control of Plaintiff *(29 U.S.C. 412 SEC. 102) ARS 13-2312. Illegal control of an enterprise; illegally conducting an enterprise .*

FURTHERMORE,

126) The Regional Director possessed the knowledge the officers were not lawfully ratified by Duty to investigate, by Plaintiffs sworn statement, and most recently by a cease and desist order, yet proceeded to violate this Plaintiffs rights under 1) Title 18, U.S.C., Section 241.

127) The Directors decision to knowingly certify in writing an unlawful affiliation caused direct financial damage to plaintiff by the US Governments choice of financing through affiliation the racketeering organization.

Arizona Superior Court No. CV-2015-091339 *Barkley vs Independent Certified Emergency Professionals of Arizona*

Division 1 Court of Appeal No. 1 CA-CV 17-0772 *Appeal for Barkley vs Independent Certified Emergency Professionals of Arizona*

128) This case is ripe for prosecution as of February 5th, 2019 as the plaintiffs appeal was denied.

129) \$4,762,022.40 lost in the civil action prayer for relief which includes treble damages for fraud.

\$11,607.68 in attorney's fees Arizona Court of Appeals civil mandate to a non party (*Defended by Michael Petitti without the LMRDA, US District Court authority*) to the plaintiffs suit No. 1 CA-CV 17-0772

130) Defendants chosen conspiracy and breach of duty was the direct and proximate cause of Plaintiff's injuries

COUNT VI

**FRAUD 18 U.S. Code Chapter 47 - FRAUD AND FALSE STATEMENTS
FRAUDULENT / INTENTIONAL MISREPRESENTATION**

131) Plaintiff incorporates by reference the Civil Suit created by the Office of Labor Management Standards, their officers and the Secretary of Labor in case CV-14-01723-NVW against Defendant entity ICEP of Arizona, Thomas Perez VS ICEP of Arizona.

132) Without a certification of election through decree by the U.S. District Court of Arizona in case # (CV-14-01723-NVW) , Fraudulent and Intentional misrepresentation are true.

133) This Plaintiff filed a civil complaint for Breach Of Contract in Arizona Superior Court on the same day the Department of Labor swore in the unratified officers and forcibly removed this Plaintiff from his rightful position as President of Defendant entity ICEP of AZ. *(March 11th, 2015 case no.CV-2015-091339)* *(neither statement is contested)* Plaintiff filed breach of contract complaint in good faith against the Independent Certified Emergency Professionals of Az.

134) The Defendant ICEP of Arizona defraud this plaintiff and remove his right to redress the union through the LMRDA *(29 U.S.C. 413)* election with no adjudication and now in the state courts by inserting a fraudulent retained counsel to defend their illegal activities and to protect them from the damages listed in a complaint not addressed to them.

135) They are not and we're not the named defendant "ICEP of AZ" Defendants Empey Lopez Gary and Garn defraud the plaintiff and the courts when they hire counsel they have no authority to hire. *(Title V-Safegaurds for Labor Organizations / Fiduciary Responsibility of Officers of Labor Organizations (29 U.S.C. 501, C / USC Ch. 96 / 29 U.S. Code § 186 1961-1968 / ARS 13-2312. Illegal control of an enterprise; illegally conducting an enterprise / (29 U.S.C. 412 SEC. 102)*

136) At all times material to this Complaint, Defendants have maintained a substantial course of collective bargaining unlawfully affecting commerce, as "commerce" is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

137) Collective Bargaining Contract was ratified in July of 2015 and dues collections proceeded immediately without dues authorizations slips as per the Defendant Petitti in oral argument in the breach of contract case.

138) Their counsel, Defendant Michael Petitti from Aiken Schenk , Riccardi and Hawkins P. C. and his subordinate ,Erin Hertzog, were notified by email, pleadings and motions that they were unlawfully retained, yet continued the fraudulent representation for over three years. *18 U.S. Code § 1001./ 29 U.S.C.*

530 Deprivation of Rights

139) Their participation in a case they are not a party constitutes conspiracy and fraudulent & intentional misrepresentation. *18 U.S.C. § 1951*

1 140) Resulting damages: \$4,762,022.40 dollars lost property through intentional
2 misrepresentation and \$11,607.68 in attorney's fees. Arizona Court of Appeals
3 case no. *BARKLEY v. ICEP; 1 CA-CV 17-0772. 18, U.S.C., SECTION 242*
4 *DEPRIVATION / 18 U.S. Code § 1001. Statements or entries generally*
5
6 Defendants chosen conspiracy, fraud and breach of duty was the direct and
7
8 proximate cause of Plaintiff's injuries *29 U.S.C. 530 Deprivation of Rights*

9 **COUNT VII**

10 **18 U.S. Code § 1512. Tampering with a witness, victim, or an informant**

11 141) On October 21, 2016, Defendant Aiken Schenk, Riccardi and Hawkins,
12 through Michael Petetti, did threaten Plaintiff witness Linda Combs with a felony
13 if she testified to her sworn affidavit. Defendant Petitti threatened her with a felony
14 under Arizona Revised Statutes 13-2702 which (he states) Arizona considers
15 perjury a felony.
16
17

18 142) Counsel for Defendant ICEP of Arizona, Michael Pettiti, did this through the
19 imposter union representative Tony Lopez who he "CC'd" the document too.
20

21 Defendant ICEP of Arizona had full knowledge that they were operating
22 unlawfully as a union and had no authority to talk to anyone in this case, let alone
23 threaten them.
24

25 143) Lopez and Defendant Counsel Petitti had full knowledge that depositions and
26 discovery had concluded in August of 2016, and Defendants failed to notify
27 Plaintiff of their communications with Plaintiff witness Combs.
28

1) Arizona Revised Statutes 13-2702

2) 18 U.S. Code § 1512. Tampering with a witness, victim, or an informant

3) 13-2804. Tampering with a witness; classification

4) ARCP Rule 26 – 37 Disclosure and *discovery* (*Discovery and deposition's concluded on September 16th, 2016*)

Defendant knowingly commits 3 felonies and a rules violation with one letter.

18, U.S.C., SECTION 242 DEPRIVATION / 18 U.S. Code § 1001. Statements or

entries generally / USC Ch. 96: Racketeer Influenced and corrupt organizations

(29 U.S. Code § 186) 1961-1968 / ARS 13-2312. Illegal control of an enterprise;

illegally conducting an enterprise

COUNT VIII

FRAUD 18 U.S. Code Chapter 47 /1001

UNLAWFUL GOVERNMENT INTERFERENCE WITH PRIVATE CONTRACTS

144) Plaintiff incorporates by reference the Civil Suit created by the Office of Labor Management Standards, their officers and the Secretary of Labor in case

CV-14-01723-NVW against Defendant entity ICEP of Arizona, Thomas Perez VS

ICEP of Arizona. Without a certification of election through decree by the US

District Court of Arizona in case # (CV-14-01723-NVW) , Unlawful Government

Interference is true.

145) The relationship between the company is codified in written contract and is

outside the purview of the National Labor Relations Board. (*Attached*).

1 146) Any decisions by the US Government that allows the company to decertify,
2 force an RM election or to otherwise put up the defendant union for possible
3 removal constitutes tortious interference with private contracts as noted.
4

5 147) Not defendant Cornele Overstreet, not the National Labor Relations Board,
6 nor any other listed defendant are party to the contractual recognition of the ICEP
7 of Az. This is a private, written and signed contract and has no expiration date.
8

9 **Furthermore:**

10 148) The Regional Director held hearings in his courtroom in 2009, Judge Kocal
11 decision, ICEP of Az complaint with NLRB Vs PMT Ambulance, case #'s 28-CA
12 22175, 28-CA-22289, 28-CA_22338, 28-CA-22350, 28-CA-22519 codified that
13 private contract as true.
14
15

16 149) The same ruling ratified the ICEP and defined the unit as all EMTs, IEMTs,
17 Paramedics and Nurses with no delineation in company sector.
18

19 150) Pursuant to the 9th Circuit Court of Appeals the ICEP unit was codified into
20 law on September 23rd , 2011 by Circuit Court Judges HAWKINS, CLIFTON,
21 and IKUTA, in case no. 11-71785 for summary enforcement. *(Attached)*
22

23 151) The penalties in that enforcement order have not yet been complied with *(loss*
24 *of property)* and the Regional Director now moves to alleviate the company, and
25 the defendant union of responsibility and liability contained therein while
26
27
28

defrauding the unknowing members of defendant union. *18, U.S.C., Section 241 / 242 Deprivation / 29 U.S. Code § 412 - Civil action for infringement of rights*

152) Defendants deprivation of Plaintiffs rights and breach of duty interferes with Defendant ICEP of Az's private contract with the company and is the direct and proximate cause of Plaintiff's injuries.

153) Damages are significant and future damages will be incurred through lost wages, health care and seniority of Plaintiff.

COUNT IX **TORTIOUS INTERFERENCE**

154) Plaintiff incorporates by reference the Civil Suit created by the Office of Labor Management Standards, their officers and the Secretary of Labor in case CV-14-01723-NVW against Defendant entity ICEP of Arizona, Thomas Perez VS ICEP of Arizona. Without a certification of election through decree by the US District Court of Arizona in case # (CV-14-01723-NVW) , Tortious interference is true.

155) Regional Director Cornele Overstreet has recently completed his hearings at the Phoenix Branch of the NLRB to force a vote that could remove the Defendant Union, ICEP.

156) As noted above, this is a fraudulent representation of defendant ICEP of Az with a complicit Regional Director, unknown counsel for defendant union and the unratiified union officer(s) representing the ICEP/NAGE/SEIU 5000, Matthew

Garn. 18 U.S. Code § 1001. *Statements or entries generally* / 18, U.S.C., SECTION
241 / 242 DEPRIVATION

157) Defendants chosen conspiracy and breach of duty was the direct and
proximate cause of Plaintiff's injuries.

COUNT X
TITLE 28 U.S. Code § 2201
DECLARATORY RELIEF I. Violation of the Act

158) Without a certification of election through decree by the US District Court of
Arizona in case # (CV-14-01723-NVW) , Plaintiff views Declaratory Relief as an
obligation.

159) The solution to the controversy constitutes a simple declaration of existing
law enforcement mandates that require the US District Court Judge of a labor
union officer supervised election, as described under Law enforcement mandate
(29 U.S.C. 482) Sec. 402. c , shall enter a decree declaring such persons to be the
officers of the Labor Union.

160) The Plaintiff asks this court to declare the US Department of Labor is in
violation of law enforcement mandate Enforcement (29 U.S.C. 482) Sec. 402. (c)
for case # CV-14-01723-NVW as required by Enforcement (29 U.S.C. 482) Sec.
402. (c) .

161) The Court cannot condone violation of law and deprivation of rights by
defendants by demanding a rubber stamp of Department of Labor's Certificate of

1 Election: *Hodgson v. CHAIN SERVICE RESTAURANT, L. & SF EMP. U., L. 11,*
2 *355 F. Supp. 180 (S.D.N.Y. 1973)*
3

4 *Section 402 must therefore be construed as imposing upon the court a "judicial*
5 *obligation with respect to enforcement of the Secretary's certification." Hodgson v.*
6 *Local 2212 Carpenters Resilient Flooring Union, 457 F.2d *189 1364, 1368 (3rd*
7 *Cir. 1972). Implicit in this "judicial obligation" is the mandate that the court's*
8 *decree conform to the legal standards established by the Landrum-Griffin Act and*
9 *the Taft-Hartley Act. The courts cannot ignore the law. Nor should they sanction*
10 *an illegal act by giving that act legal status.*

11 Defendant Department of Labor proceeded in violation of congressional mandates
12 they were formed to enforce under (29 U.S.C. 551).

13 162) The Plaintiff asks this Court to declare the Representing Union of employer

14 (*Lifeline Ambulance, PMT Ambulance, AMR*) is in full violation of Law

15 Enforcement code as described under the Landrum-Griffin Act, the Taft-Hartley

16 Act and the National Labor Relations Act, and to prohibit the unlawful

17 representation of first responders that continues to occur.

18 163) Without a certification of election through decree by the US District Court of

19 Arizona in case # (CV-14-01723-NVW) This declaration is merely a reciting of the

20 law. The Plaintiff asks this court to declare the US Department of Labor and the

21 NLRB is in violation of (29 U.S.C. 482) *Sec. 402 (d) / 29 U.S. Code § 141* and the

22 two government defendants conspired to remove the plaintiffs rights as codified

23 under the same act.
24
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1 164) Defendants illegal removal of this plaintiff from the president's position of the
2 Independent Certified Emergency Professionals is a violation of Plaintiff's rights
3 safeguarded under the Act and the US Constitution . Declaratory and injunctive
4 relief are the natural course of action against the Regional Director of the NLRB
5 R-28.
6

7
8 165) This Plaintiff asks the court to declare the Petition for election (*attached*) and
9 all hearings and scheduled elections at the NLRB R-28 concerning the ICEP of AZ
10 unlawful and in violation of the Labor Management Standards and Reporting Act
11 as the Independent Certified Emergency Professionals of Arizona are not lawfully
12 represented.
13

14
15 (*TITLE V-SAFEGUARDS FOR LABOR ORGANIZATIONS Fiduciary*
16 *Responsibility of Officers of Labor Organizations (29 U.S.C. 501)*

17 166) The “order” certifying the election has been requested by this plaintiff to three
18 US District Courts, (*No. CV-15-00713-PHX-SPL / 2-16-cv-02777 DMF/ CV-14-*
19 *01723-NVW*) one Arizona Superior Court / Maricopa (*Case no. CV-2015-091339*)
20 and the Arizona Appellate Court case no. BARKLEY v. ICEP; 1 CA-CV 17-0772.
21

22 167) In all, the unanswered motions and pleadings for this one order total 21 (or
23 more) different submissions in 5 different courts. All ignored the request, denied
24 the motion or remanded the suit to another court, relieving the court of its Judicial
25 obligation without comment or decree.
26
27
28

168) Any response to this Declaratory Judgement Suit from the Defendant(s) that lacks an Order certifying the Union Officer election signed by US District Court Judge Neil V Wake Case CV-14-01723-NVW places all defendants in default and immediate injunctions and declarations are an obligation to maintain law enforcement code under Enforcement (29 U.S.C. 482) Sec. 402. (a) (c) (d) / USC Ch. 96: (29 U.S. Code § 186) 1961-1968

Appendix C. LMRDA

Excerpts from title VII of the Civil Service Reform Act of 1978 - Federal Service Labor-Management Relations

(a) An agency shall only accord recognition to a labor organization that is free from corrupt influences and influences opposed to basic democratic principles. 5 U.S.C. 7120. Standards of conduct for labor organizations.

(a) An agency shall only accord recognition to a labor organization that is free from corrupt influences and influences opposed to basic democratic principles. - the organization is in fact subject to influences that would preclude recognition under this chapter.

COUNT XI

**TITLE 28 U.S. Code § 2202
INJUNCTIVE RELIEF**

169) Without a certification of election through decree by the US District Court of Arizona in case # (CV-14-01723-NVW) , Injunctive relief is warranted to restrain Defendant ICEP and Defendant IAEP/NAGE/SEIU/5000 officers listed as defendants from participating in any activities concerning defendant union. (Greg Empey, Tony Lopez, John Gary, Mathew Garn) and all unnamed officers illegally in control of Defendant Enterprise ICEP of Arizona.

170) A private contractual agreement is in place and the unit was codified under 9th circuit order.

171) The Plaintiff seeks Immediate injunctive relief against Defendant ICEP of AZ from continuing to operate unlawfully, to include any administrative hearings, elections, collective bargaining or any other at the NLRB hearings or any elections forced on the defendant entity by the Regional Director, without authority in Phoenix Arizona Region 28 . *USC Ch. 96 (29 U.S. Code § 186) 1961-1968 / ARS 13-2312. Illegal control of an enterprise; illegally conducting an enterprise*

172) Injunctive relief against Defendant Cornell Overstreet, NLRB Region 28, stopping all unlawful actions, petitions for election and investigations against or for the Defendant ICEP of Arizona and to further restrain the Regional Director from recognizing the affiliation of Defendant ICEP with Defendant IAEP/NAGE/SEIU 5000. Plaintiff views this as an obligation to preserve the defendant ICEP of AZ.

29 U.S. Code § 501 - Fiduciary responsibility of officers of labor organizations

173) Without a certification of election through decree by the US District Court of Arizona in case # CV-14-01723-NVW all action by these unratified, fraudulent actors are void and violate fiduciary responsibilities of labor union officers, the Landrum Griffin Act, and constitute fraud and extortion .

1 174) Their retention of Defendant Attorney to defend the Breach of Contract suit is
2 and was fraudulent, the dues they accumulated to pay for attorney retention are
3 extortion and their maintenance of the fraudulent defense violates this code and the
4 plaintiffs rights to due process. *5th and 14th amendment 18, U.S.C., Section 241*
5 *and 242 & 18 U.S. Code § 1001. Statements or entries generally*
6

7
8 175) Plaintiff seeks injunctive relief to restrain the Department of Labor, Office of
9 Labor Management Standards and the National Labor Relations Board from
10 instituting unlawful actions against Plaintiff and Defendant Union ICEP of
11 Arizona.
12

13 **BURDEN OF PROOF**

14
15 176) Defendant Department of Labor / Office of Labor Management Standards
16 were the Plaintiff in election case CV-14-01723-NVW and bear the burden of
17 Proof pursuant to Enforcement (29 U.S.C. 482) Sec. 402 2 c. They must, as a law
18 enforcement mandate, show the Court decree signed by Judge Neil V Wake in case
19 no. CV-14-01723-NVW or default.
20

21
22 177) Plaintiff Barkley has requested the Order from said case over 21 times and the
23 Defendants ICEP of Arizona, DOL/OLMS, omitted the order in response to every
24 pleading or request (*actus reus*)
25

26 178) The Burden of Proof in this case lies with Plaintiff Barkley who proves the
27 entire case by the purposeful omissions of the Order CV-14-01723-NVW granting
28

1 all defendants authority to plead or otherwise defend any case involving Defendant
2 ICEP. The omission of authority from Defendants is a violation of rule 17 a. 3.
3
4 179) Both State and Federal courts have had over 3 years to join the correct party
5 of interest, or make a declaration of its existence, yet failed to do so. Plaintiff
6 proves all counts by a preponderance of the evidence submitted or omitted by
7 Defendant and Proves all counts beyond any reasonable doubt. All attempts to
8 have Defendant provide declaration of authority to proceed where ignored. All
9 information pertaining to the conduct of DEOL / OLMS officers has been
10 concealed by their actions or failure to act.
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CLAIM FOR DAMAGES

180) The Plaintiff asks for the return of extorted attorney's fees as described under 18 U.S. Code § 880. Receiving the proceeds of extortion for Costs \$140 Attorney's fees \$11,607.68 x 3 for treble damages..\$35,241.00

181) The Plaintiff asks for all further punitive and consequential damages in an amount to be determined.

182) The Plaintiff further claims punitive and consequential damages from a fraudulent installation of Labor Union Officers (*electoral fraud*) by the US Department of Labor Secretary Thomas Perez, on behalf of the Office of Labor Management standards (OLMS) that resulted in fraudulent and intentional misrepresentation in civil court funded by extorted union dues. Violation of Plaintiffs Due Process has been shown and compensation is due in an amount to be determined.

183) Claim for damages against Defendants ICEP of Arizona for default Initial claim for damages are \$396,000 plus unjust enrichment of \$97,958.78 and \$1,093,382.02

184) The Plaintiff asks for a total of \$1,191,340.80 be awarded to the plaintiff for compensatory damages in default for Defendant ICEP of Arizona.

1 No answer or reply could or can be pleaded without illegal officers controlling the
2 enterprise. resulting in extreme damages to this plaintiffs' claims and the outright
3 removal of his constitutional rights under the law.
4

5 185) Claim for damages against Defendants IAEP/NAGE/SEIU 5000 for
6 defending a case with officers illegally in control of their created enterprise. The
7 plaintiff asks for the same treble damages supported asked for in Arizona Superior
8 Court for the same reasons pursuant to 29 U.S. Code § 186) 18 U.S. Code
9 CHAPTER 96 1964 totaling \$4,940,000.00 (*Four million, nine hundred forty*
10 *thousand dollars and zero cents*) as described in the Breach of Contract case no.
11 CV-2015-091339, now unrecoverable pursuant to Civil Mandate 1 CA-CV 17-
12 0772 BARKLEY v. ICEP Maricopa County Superior Court CV2015-091339
13
14

15 186) The economic loss caused by the unlawful interference was \$4,940,000.00
16 (*Four million, nine hundred forty thousand dollars and zero cents*). And an
17 additional \$11,607.68 x 3 for treble damage = \$35,241.00
18

19 187) Resulting harm to professional reputations and corporate goodwill described
20 and Plaintiff claims punitive damages in an amount to be determined .
21

22 188) The Plaintiff's reputation has been irrevocably destroyed through continuous
23 assassination of character through defendant counsels pleadings , defendant
24 officers social media attacks and generally creating and maintaining a dangerous
25 and hostile workplace for Plaintiff.
26
27
28

1 189) Plaintiff should be compensated for damage to professional reputation as
2 described and punitive damages in an amount to be determined.

3 190) Other losses experienced as a result of the interference include three
4 additional years of litigation against a known imposter delivering a tortious
5 interference defense funded with extorted union dues. The Plaintiff asks for
6 compensation as victim and target of forced extortion by the Department of Labor,
7 the National Labor Relations Board and the IAEP/NAGE/SEIU/5000
8

9 191) All Dues should be returned to the members
10

11 192) This deprivation of Plaintiff's right to litigate lawfully against the named
12 defendant resulted in losses of \$4,940,000.00 (*Four million, nine hundred forty*
13 *thousand dollars and zero cents*). With \$396,000.00 of unpaid wages over 9 years,
14 \$97,958 in unjust enrichment of insurance refunds secured by this Plaintiffs sole
15 actions and \$1,093,382.02 in unjust enrichment of members lost wages, secured by
16 the sole efforts of this plaintiff for a total of \$1,587,340.80 with treble damages as
17 described under 18 U.S. Code / 1964 Civil Remedies bringing sectional damages
18 to \$4,762,022.40 that was lost in the Breach of Contract and Unjust enrichment
19 case(s) by fraudulent counsel retained by people illegally in control of Defendant
20 Enterprise ICEP of AZ as merged with IAEP/NAGE/SEIU 5000.
21

22 193) Proving Breach of Contract or unjust enrichment was hindered pursuant to the
23 tortious interference and fraudulent representation by Defendants ICEP &
24
25
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1 IAEP/NAGE/SEIU 5000 made possible by the extortion of the Department of
2 Labor /Office of Labor Management Standards and the National Labor Relations
3 Board, Region 28.
4

5 194) Defense arguments are irrelevant pursuant to Defendant ICEP misconduct,
6 fraudulent and tortious interference in those cases while using extorted union dues
7 collected by fraudulent union officers under a fraudulent collective bargaining
8 agreement. *Arizona Superior Court No. CV-2015-091339 / Division 1 Court of*
9 *Appeal No.1 CA-CV 17-0772 ..*
10
11

12 195) The Plaintiff prays for declaratory relief, injunctive relief as described in the
13 complaint and reinstatement of plaintiff to the office of President of the ICEP of
14 Arizona.
15

16 196) Plaintiff asks that the affiliation between the ICEP and the IAEP/SEIU/NAGE
17 5000 be dissolved as a matter of law and the officers of the IAEP/SEIU/NAGE
18 5000 be joined in all criminal actions against the named defendants.
19

20 197) Plaintiff claims all material goods in possession of officers of Both Defendant
21 ICEP of Arizona and Defendant NAGE/SEIU/5000, to include all emails to and
22 from the company (*PMT Ambulance/Lifeline Ambulance /American Medical*
23 *Response*) concerning Labor-Management matters, Personnel matters or any
24 correspondence to any person concerning the ICEP of Arizona or Plaintiff, Joshua
25 S Barkley from January 2014 to present.
26
27
28

1 198) A notice of claim was sent to Department of Labor defendants on May 15th,
2 2018 and no response was received.

3 199) Plaintiff claims damages from all material evidence in all FOIA requests not
4 fulfilled by the Department of Labor and asks the court to order the information
5 requested be provided as soon as possible.
6
7
8

9 **EMERGENCY INJUNCTION NECESSARY**
10 **AS A MATTER OF PUBLIC SAFETY**

11 **200) To uphold Law Enforcement Mandate as described under**
12 **Enforcement (29 U.S.C.482 Sec. 402. (c))**

13
14 **201) To restrain the unlawful officers and Counsel from participating in**
15 **hearings or to force and or participate an election to remove defendant**
16 **union at the NLRB R-28**
17

18
19 **202) To restrain the unlawful officers from defrauding the first responders**
20 **through unlawful dues collections and unlawful representation / retainer.**
21

22 **203) To prevent Defendant Union from breaching a private contract and a**
23 **9th circuit order that mandates the company recognize the ICEP of Arizona.**
24

25 **204) To re-establish the judicial obligations by all involved.**
26
27
28

CONCLUSION

205) The US Department of labor conspired to execute an unlawful election of union officers for the ICEP of Arizona through inside actors Empey / Lopez, Gary and Garn through unlawful complaints investigated by conspiring Defendant DOL Investigators Hayes, Oquendo, Bueasoliel, Fox and Perez. The Department of Labor was the Plaintiff in case CV-14-01723-NVW and bears the burden of proof of their union officer election pursuant to Enforcement (29 U.S.C. 482) Sec. 402. 2 c

206) The pattern of the Department of Labor's corruption spilled over into the working atmosphere of first responders as they conspired together in malicious and an evil fashion to strip Plaintiff and all represented first responders of a fair and honest service.

207) Quoting the advice of the 5th circuit Judge Catharina Haynes and District Judge Marcia Crone, sitting by designation, Judge Edith Jones writing to Defendant Thomas Perez and the Department of Labor '(2015, same timeline)

{ "It is often better to acknowledge an obvious mistake than defend it. When the government acknowledges mistakes, it preserves public trust and confidence. It can start to repair the damage done by erroneously, indeed vindictively, attempting to sanction an innocent business. Rather than acknowledge its mistakes, however, the government here chose to defend the indefensible in an indefensible manner. As a result, we impose attorneys' fees in favor of Gate Guard as a sanction for the government's bad faith. 28 U.S.C. § 2412(b)"} }

1 208) These words describe the same action by the same Secretary of Labor
2 “Thomas Perez” and his lawless, malicious and vindictive actors Defendants
3 Hayes, Oquendo, Bueasoliel and Fox described in this action.
4

5 209) There is no controversy over the mandates of the law enforcement section of
6 title IV of the Labor Management Reporting and Disclosure Act / Enforcement (29
7 U.S.C. 482) Sec. 402.
8

9 210) The controversy lies with Defendant's refusal to act as Law Abiding
10 Government officials. This Plaintiff asks for a quick declaration to this action as
11 there is no contention of the law and its purpose.
12
13

14 211) The respondent filed their unlawful election in the US District Court of
15 Arizona and served their summons on a resident of Arizona. They were
16 represented by the US Attorney’s Office of Arizona.
17

18 212) The bias against this Plaintiff prior to any response from the Respondent has
19 been pre-established by previous court cases. It was this court, this Respondent
20 and this District Attorney that failed to prosecute, creating an unlawful situation .
21 Their response, in lieu of default, in this request for relief/declaration must include
22 the mandated US District Court Order or an admission that said order does not
23 exist in case CV-14-01723-NVW
24
25
26
27
28

Signature Page

Signed this 25th day of February, 2019

/s/ Joshua S. Barkley

2234 W Riviera Drive,

Tempe, Arizona 85282

480-213-6777

CERTIFICATE OF SERVICE

Served to Custodian of records

Independent Certified Emergency Professionals

Mathew Garn, 3408 E Edgewood

Mesa Arizona, 85204

Served to Custodian of records

IAEP/NAGE/SEIU 5000

Mathew Garn, 3408 E Edgewood

Mesa Arizona, 85204

U.S. Department of Labor

Office of the Solicitor of Labor

200 Constitution Avenue, N.W., Room S-2002

Washington, DC 20210

Office of Legal Counsel

National Labor Relations Board

1015 Half Street SE

Washington, D.C. 20570-0001

Headquarters information: 202-273-1000

Alternative Number: 202-273-1991

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United States Department of Justice,
District of Arizona
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Two Renaissance Square
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Phoenix, AZ 85004-4408

United States Attorney's office,
District of Arizona
40 N Central Ave # 1200,
Phoenix, AZ 85004



UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Thomas E. Perez, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

Local 1, Independent Certified
Emergency Professionals,

Defendant.

CV-14-01723-PHX-NVW

DEFAULT JUDGMENT

This matter having come before the Court pursuant to the Motion for Default Judgment filed on November 14, 2014 (Doc. 37), and good cause appearing,

IT IS HERBY ORDERED granting Plaintiff's Motion for Default Judgment (Doc. 37).

IT IS THEREFORE FURTHER ORDERED, ADJUDGED AND DECREED, pursuant to 29 U.S.C. § 482(c), that Local 1, Independent Certified Emergency Professionals conduct an election for the offices of President, Vice-President/Business Manager, Secretary-Treasurer, and three Trustees. The Office of Labor-Management Standards ("OLMS") of the United States Department of Labor ("DOL") shall be responsible for ensuring that the election is conducted in accordance with Title IV of the Labor-Management Reporting and Disclosure Act of 1959 ("LMRDA"). The election shall be conducted in conjunction with the Union's constitution and bylaws insofar as it is

1 lawful and practicable to do so.

2 **IT IS FURTHER ORDERED** that the following DOL officials shall be
3 responsible for supervising the election:

4 Phoenix Beausoleil, Election Supervisor
5 United States Department of Labor, OLMS
6 Los Angeles District Office
7 915 Wilshire Boulevard, Room 910
8 Los Angeles, CA 90017
9 Phone: (213) 534-6405 x 230
10 Fax: (213) 534-6413

11 Ed Oquendo, District Director
12 United States Department of Labor, OLMS
13 Los Angeles District Office
14 915 Wilshire Boulevard, Room 910
15 Los Angeles, CA 90017
16 Phone: (213) 534-6405 x 234

17 Pearl Moenahele, Supervisory Investigator
18 United States Department of Labor, OLMS
19 Honolulu Resident Office
20 300 Ala Moana Boulevard, Room 5-121
21 Honolulu, HI 96850
22 Phone: (808) 541-2705
23 Fax: (808) 541-2719

24 Thomas Hayes, Investigator
25 United States Department of Labor, OLMS
26 Phoenix Resident Office
27 Federal Building and Courthouse
28 North First Avenue, Room 501
Phoenix, AZ 85003
Phone: (602) 514-7105
Fax: (602) 514-7102

24 **IT IS FURTHER ORDERED** that the election shall be conducted in accordance
25 with the following timeline:

26 On **December 16, 2014**, DOL shall conduct a pre-election conference to discuss
27 with members of the Union and with officials of the Union the rules, procedures, and
28 timetable governing the supervised election. In the event that any of the election dates

1 outlined below need to be adjusted as a result of information obtained at the pre-election
2 conference, Plaintiff shall so notify the Court and shall seek appropriate relief. In the
3 event any official of the Union fails to attend the pre-election conference or fails to
4 participate or cooperate as outlined below, the DOL may proceed with the election
5 unilaterally or may seek civil contempt sanctions in accordance with applicable laws.

6 The following topics shall be discussed at the pre-election conference:

- 7 • Offices to be elected (President, Vice President, Secretary-Treasurer,
8 and three Trustees)
- 9 • Eligibility to run for office
- 10 • Term of office
- 11 • Type of election (polling place with absentee ballot procedures)
- 12 • Nomination notice
- 13 • Nomination procedures
- 14 • Candidates
- 15 • Election notice
- 16 • Membership list
- 17 • Campaigning (including distribution of campaign literature)
- 18 • Voter eligibility
- 19 • Ballot preparation
- 20 • Polling hours and polling sites
- 21 • Ballot Tally
- 22 • Tie vote procedures
- 23 • Protest procedures
- 24 • Installation of officers elected in the supervised election
- 25 • Certification to court of the supervised election results

26 On **December 23, 2014**, DOL shall mail the agreed-upon Election Rules to all
27 interested parties and shall make them available to any member of the Union upon
28 request.

1 From **January 5, 2015, through January 9, 2015**, DOL shall post and mail to all
2 members of the Union a Nomination Notice setting forth all criteria for submitting
3 nominations.

4 On **January 21, 2015**, DOL shall conduct a Nomination Meeting at a time and
5 location to be determined by DOL. Written nominations must be received by DOL,
6 anyone employed by the nomination date may be nominated, and a written acceptance at
7 the meeting or a written self-nomination will be considered as an acceptance by DOL.

8 On **February 9, 2015**, DOL shall inform candidates in writing of their eligibility to
9 run for office and campaign rules.

10 On **February 10, 2015**, DOL shall mail an Election Notice to all members of the
11 Union at their last known home address.

12 On **February 11, 2015**, DOL shall conduct a Candidate Meeting to advise
13 candidates of the election rules, inspection of the membership list, campaign literature
14 distribution, and observer rights.

15 From **February 10, 2015, through February 20, 2015**, members of the Union
16 may request an absentee ballot from DOL.

17 On **March 4, 2015**, members' absentee ballots shall be due to DOL.

18 On **March 5, 2015**, DOL shall hold the election. DOL shall retrieve absentee
19 ballots and shall staff the polling sites. Anyone employed by the Union on or before
20 February 20, 2015, shall be eligible to vote.

21 On **March 16, 2015**, any election protest shall be due to DOL.

22 On **March 16, 2015**, DOL shall conduct the installation of officers for the Union.

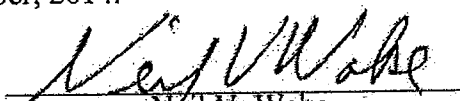
23 On **April 16, 2015**, OLMS shall issue a determination certifying to the Court the
24 election results.

25 Dated this 2nd day of December, 2014.

26

27

28


Neil V. Wake
United States District Judge

2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Thomas E. Perez, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

Local 1, Independent Certified
Emergency Professionals,

Defendant.

CV-14-01723-PHX-NVW

CERTIFICATION OF ELECTION

The election having been conducted in the above matter under the supervision of the Secretary of Labor, United States Department of Labor, pursuant to a Default Judgement dated December 2, 2014, in the United States District Court for the District of Arizona, in accordance with the provisions of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. §§ 481-483), and in conformity with the constitution and bylaws of the defendant labor organization, insofar as lawful and practicable, therefore:

Pursuant to Section 402(c) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. § 482(c)), and the authority delegated to me,

Case 2:14-cv-01723-NVW Document 41-1 Filed 04/16/15 Page 2 of 2

1 IT IS HEREBY CERTIFIED that the following named candidates have been duly elected
2 to the offices designated:

3		
4	Greg Empey	President
5	Tony Lopez	Vice President/Business Manager
6	John Gary	Secretary-Treasurer
7	Derick Roda	Trustee
8		
9	Matthew Sciascia	Trustee
10	Jason Smith	Trustee
11		

12 Attached herewith is a declaration setting forth one protest concerning violations which
13 were alleged to have occurred in the conduct of the election and the findings of the investigation
14 of this protest.

15 Signed this 13th day of April, 2015.

16
17 Patricia Fox
18 Patricia Fox, Chief
19 Division of Enforcement
20 Office of Labor-Management Standards
21 United States Department of Labor
22
23
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26
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28

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

THOMAS E. PEREZ, Secretary of Labor
United States Department of Labor,

Plaintiff,

-v-

INDEPENDENT CERTIFIED EMERGENCY
PROFESSIONALS, LOCAL 1,

Defendant.

CV-14-01723-PHX-NVW

CERTIFICATION OF
SUPERVISED ELECTION

DECLARATION OF
PATRICIA FOX

I, Patricia Fox, am the Chief of the Division of Enforcement, Office of Labor-Management Standards (OLMS), United States Department of Labor (Department). OLMS supervised an election of officers of the Independent Certified Emergency Professionals (ICEP), Local 1 ("ICEP" or "Local 1"), which was held on March 5, 2015, pursuant to a December 2, 2014 Default Judgment (Judgment) issued by this Court. Pursuant to this Judgment, the supervised election included new nominations and new elections for the offices of (i) President, (ii) Vice President/Business Manager, (iii) Secretary-Treasurer, and (iv) three Trustees.

On February 12, 2015, Joshua Barkley, the defeated Local 1 incumbent president, filed a pre-election protest with the OLMS Election Supervisor, Phoenix Beausoleil, alleging that Title IV of the Labor-Management Reporting and Disclosure Act of 1959 ("Act" or "LMRDA"), 29 U.S.C. §§ 481- 484, was violated during the conduct of the

alleging that Title IV of the Labor-Management Reporting and Disclosure Act of 1959 ("Act" or "LMRDA"), 29 U.S.C. §§ 481- 484, was violated during the conduct of the election. The Department investigated the allegations. As a result of this investigation, as presented herein, I find that there was no violation of the Act. Following is an explanation of Department's finding.

Joshua Barkley alleged that OLMS violated the December 2, 2014 Judgment when it failed to apply the member in good standing requirement set forth in the 2013 ICEP constitution and bylaws. Joshua Barkley claims that the failure to apply such provision resulted in members who were delinquent in their dues payments or had been suspended for the nonpayment of dues being permitted to make nominations or be nominated for office and to vote or seek candidacy. The investigation disclosed that the 2013 ICEP constitution and bylaws and amendments thereto were never voted on or adopted by the ICEP membership, as required by the 2006 ICEP constitution and bylaws and, therefore, were invalid. Therefore, OLMS was prohibited from applying the member in good standing requirement as set forth in the 2013 ICEP constitution and bylaws in the 2015 supervised election. *See* 29 C.F.R. § 452.2.

Specifically, the investigation disclosed that in December of 2013, Joshua Barkley, incumbent president of ICEP, and Matt Swartz and Brad Taylor, then members of the ICEP's executive board, met at the Old Chicago, a bar located in Mesa, Arizona, and proposed amendments to the 2006 ICEP constitution and bylaws. Article 3, section 2 of the 2013 proposal provided, "Members in good standing shall be described as . . . , members [sic] pay dues in order to be eligible to vote. This means that a member must

not be delinquent in the payment of dues at the time of the voting." The proposal further provided, "A member who has failed to pay dues can lose good standing without a union trial or without notice if the union's constitution and bylaws so provide." Joshua Barkley, Matt Swartz and Brad Taylor were the only members who attended the meeting at the bar and the only ones who voted on and approved the proposed amendments. It appears that the 2013 ICEP constitution and bylaws and the amendments became effective immediately. The investigation disclosed, however, that the union officials failed to comply with the procedures prescribed in the 2006 ICEP constitution and bylaws for amending or changing the ICEP constitution and bylaws. Such procedures are set forth in Article 7 of the 2006 ICEP constitution and bylaws.

This provision reads,

Section 1:

Petition to amend or change the constitution must be submitted in writing to representatives. Announcements of vote to amend the constitution shall be posted 30 days in advance.

Section 2:

Alterations or amendments require a 66 2/3 vote of the membership present at that meeting.

Section 3:

Results of the membership vote will be announced within 30 days of completion. Amendments or changes will be effective immediately upon announcement.

By its terms, Article 7 of the 2006 ICEP constitution and bylaws requires the ICEP to conduct a vote among its members on proposed amendments or changes to the ICEP constitution and bylaws. The provision requires that such referendum be preceded by notice of the referendum to its members at least 30 days in advance of the voting. The

investigation disclosed that the ICEP membership was not given 30 days advance notice of a vote on the proposed amendments. Joshua Barkley stated during the investigation that he, instead, posted "something" on his personal Facebook page regarding the proposed amendments that members could have seen had they visited the website. Barkley stated that a member needed a Facebook account to log onto his Facebook page. There is no evidence that members were instructed to visit the Facebook page for information regarding the proposed amendments and the revised constitution and bylaws. Even if, *arguendo*, such instructions were provided, only those members who had a Facebook account would have been able to log onto Barkley's Facebook page and access whatever information may have been on the website.

Further, the ICEP did not conduct a referendum among its members on the 2013 proposed amendments or the revised constitution and bylaws, as required by the 2006 ICEP constitution and bylaws. As previously stated, according to Joshua Barkley, he, Matt Swartz, and Brad Taylor, met at the Old Chicago, a bar located in Mesa, Arizona, in December of 2013, and held a meeting where they voted on and approved the 2013 amendments. No other members attended the meeting and the membership did not vote on or adopt the 2013 ICEP constitution and bylaws or the amendments.

The Department's interpretative regulations provide that elections required to be held as provided in Title IV of the LMRDA are to be conducted in accordance with the "validly adopted constitution and bylaws" of the labor organizations insofar as they are not inconsistent with provisions the Act. 29 C.F.R. 452.2. The 2013 ICEP constitution and bylaws and the amendments were not validly adopted by the ICEP membership

but, instead, were voted on and approved by ICEP officials. As a result, the 2013 ICEP constitution and bylaws and the amendments were invalid. OLMS, therefore, was prohibited from conducting the 2015 supervised election in accordance with the 2013 ICEP constitution and bylaws, because they had not been validly adopted by the membership and were invalid. OLMS, therefore, conducted the 2015 supervised election, insofar as lawful and practicable, in accordance with the provisions of the 2006 ICEP constitution and bylaws, the validly adopted constitution and bylaws.

The 2006 ICEP constitution and bylaws are silent regarding voter eligibility. The candidacy requirement is set forth in Article 2 of the 2006 ICEP bylaws and provides, "[A]ny member in good standing shall be eligible to be nominated or to run for any office." Neither the constitution nor the bylaws define "member in good standing." However, Article 3, section 3 of the 2006 ICEP constitution provides, "[M]embers who have not paid dues or are delinquent with their payments shall be given a 60 day notice to comply or have their membership temporarily suspended." Although this provision allows for suspension from membership for nonpayment of dues or delinquencies in dues payments, the investigation disclosed that the ICEP members do not pay any union dues. Nor are members suspended from membership for the nonpayment of dues. According to Joshua Barkley, who at the time of the 2015 supervised election had been the president of the ICEP for almost ten years, he does not pay union dues and the ICEP does not collect union dues from its members. In fact, OLMS' review of the Labor Organization Annual Reports (LM Report) ICEP filed with the Department from 2007 to 2014 showed that the ICEP has not reported any dues income for fiscal year 2007 and

fiscal years 2010 to 2013. It also appears that no dues income was reported on the LM Report for fiscal year 2014. Because the ICEP members are not required to pay union dues, and the ICEP does not collect union dues from them, the Department, to preserve the fairness of the election, determined that the right to vote or be a candidate in the 2015 supervised election would not be conditioned on the payment of dues.

Instead, OLMS relied on the membership qualification requirements prescribed in the 2006 ICEP constitution and bylaws to identify those individuals eligible for membership in the ICEP. This provision provides, "membership shall be open to active, full time emergency professionals certified or licensed in the state of Arizona." For the 2015 supervised election, all full-time field employees/members employed by PMT at the time of the January 21, 2015 nominations meeting were eligible for candidacy and such employees/members employed by PMT as of February 20, 2015, were eligible to vote. Because the 2006 ICEP constitution and bylaws provide that membership in the ICEP is open only to active, full time employees, part-time field employees were not eligible to vote or to run for office in the 2015 supervised election. Since the ICEP does not collect and its members do not pay union dues, none of the voters or candidates in the 2015 supervised election was required to comply with the dues payment requirement set forth in the 2006 ICEP constitution and bylaws. OLMS' decision that such requirement would not be applied in the supervised election was not unreasonable and was consistent with the ICEP's own past practice of not requiring members to pay dues. The LMRDA was not violated.

Joshua Barkley alleged that OLMS violated the incumbents' authority when the agency did not include incumbent officers in any part of the supervised election. The investigation confirmed that the Election Supervisor, by letter dated December 4, 2014, notified and invited all interested parties, including incumbent officers Joshua Barkley, Matt Swartz, and Brad Taylor, to a pre-election conference scheduled to be conducted on December 14, 2014, at 4:00 p.m. at Station 1. The letter stated that the conference, which was open to all interested parties, was for the purpose developing rules and procedures and establishing the time frames to be used in conducting the supervised election. The pre-election sign-in sheet confirmed that Joshua Barkley, Matt Swartz, and Brad Taylor attended the pre-election conference. The LMRDA was not violated.

Joshua Barkley alleged that certain individuals assassinated his character and the character of presidential candidate Kristie Sandwich on a private Facebook page. Even if true, the use of a private Facebook page to campaign does not constitute a violation of the LMRDA. The campaign finance provisions of section 401(g) of the Act, 29 U.S.C. § 481(g), prohibit the use of employer funds or union funds to promote the candidacy of any person in an election of union officers. The use of a private Facebook page to campaign or to make derogatory remarks about a candidate does not involve the use of such funds. The LMRDA was not violated.

In addition, Joshua Barkley made allegations regarding decertification of the ICEP, a petition circulated among the ICEP members to determine support for affiliation with the International Association of EMTs and Paramedics, and a

representation election conducted by the National Labor Relations Board. Such matters are not governed by the LMRDA. The LMRDA was not violated.

Finally, Joshua Barkley made allegations regarding Freedom of Information Act requests he submitted to OLMS in 2014. Such requests are unrelated to the supervised election and are not governed by the LMRDA. The LMRDA was not violated.

The Department has concluded from its investigation that the ICEP's March 5, 2015 election of officers, conducted under the Department's supervision, was in compliance with Title IV of the Act and was conducted, insofar as lawful and practicable, in accordance with the constitution and bylaws of the ICEP. Therefore, no reason exists to overturn the results of this election.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13th day of April, 2015, in the City of Washington,
District of Columbia.

Patricia Fox

Patricia Fox, Chief
Division of Enforcement,
Office of Labor-Management Standards,
United States Department of Labor

3



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 28
2600 North Central Avenue
Suite 1400
Phoenix, AZ 85004

Agency Website: www.nlr.gov
Telephone: (602) 640-2160
Fax: (602) 640-2178

June 30, 2015

Mr. Joshua S. Barkley
2234 West Riviera Drive
Tempe, AZ 85282-6177

Re: Independent Certified Emergency
Professionals International Association of
EMTs and Paramedics
(PMT Ambulance / a Rural Metro company)
Case 28-CB-149170

Dear Mr. Barkley:

We have carefully investigated and considered your charge that Independent Certified Emergency Professionals International Association of EMTs and Paramedics, whose correct legal name is Independent Certified Emergency Professionals, Local No. 1, affiliated with International Association of EMTs and Paramedics (IAEP)/NAGE/SEIU 5000 (herein the Charged Party or Union) has violated the National Labor Relations Act.

Decision to Dismiss: Based upon that investigation, I have concluded that the evidence does not establish that the Charged Party violated the Act and I am dismissing your charge. You alleged that the Charged Party violated Section 8(b)(1)(A) of the Act when it coerced the Unit it represents into supporting or joining another Union, held a representation election without notice to employees, and held the aforementioned representation election without procedural safeguards guaranteed by the Board.

The evidence reveals that pursuant to an investigation by the Department of Labor, Office of Labor and Management Standards and a subsequent order by a United States District Court, an internal union election was held among Independent Certified Emergency Professionals, Local No. 1 (ICEP) members for the purpose of electing local ICEP officers. After new officers were elected, ICEP provided notice to its members that an election would take place to determine whether ICEP members desired to affiliate with IAEP. A secret ballot election was held on this issue, and the ICEP membership voted overwhelmingly to affiliate. The instant charge disputes the propriety of these two internal Union elections.

Because "the paramount policy of the Act, i.e., encouraging stable bargaining relationships to preserve industrial peace, should not be unnecessarily disrupted, the Board will interject itself only in the most limited of circumstances involving such internal [union] changes." *Sullivan Bros. Printers, Inc.*, 317 NLRB 561, 562 (1995). The Board interjects itself into such internal union matters by conducting a representation election "only where affiliation raises a question of representation." *N.L.R.B. v. FIEA, Local 1182*, 475 U.S. 192, 203 (1986). As the Court stated, "repeat[ed] dissatisfaction with the decisions union members make may be tested by a Board-conducted representation election only if it is unclear whether the reorganized union retains

Independent Certified Emergency
 Professionals International Association of
 EMTs and Paramedics
 (PMT Ambulance / a Rural Metro company)
 Case 28-CB-149170

- 2 -

majority support." *Id.* at 205-206. This is because a Union's internal structure and organization is not for the Board to interfere with, and affiliation elections are *not* a special category of change that affect the representational status of the newly merged union. *Id.*

The Board has thus "abandon[ed its] due process requirement for union affiliations in light of the Supreme Court's decision (in *FIEA*)." *Raymond F. Kravis Center*, 351 NLRB 143, 147 (2007). In that case, the Board stated that "when there is a union merger or affiliation, an employer's obligation to recognize and bargain with an incumbent union continues unless the changes resulting from the merger or affiliation are so significant as to alter the identity of the bargaining representative." *Id.* The Board uses a totality of the circumstances test in determining whether an affiliation agreement raises a question of representation. The evidence shows that ICEP retains its identity, retains the ability to bargain toward and sign a Collective Bargaining Agreement, retains its Constitution and bylaws, and retains control over its own assets. Therefore, there is no question of representation that would justify the Board's involvement in ICEP internal affairs. Moreover, the Board does not require unions to use the same procedural safeguards as the Board. "Contrary to the contentions of [the charging party], the Board does not require union affiliation elections to be conducted in the same manner as Board elections." *CPS Chemical Co.*, 324 NLRB 1018, 1020 (1997).

Finally, no evidence was presented that the Charged Party engaged in unlawful coercion of the members of the ICEP in either election.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal **MAY NOT** be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street NW, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **July 14, 2015**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than . If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by

Independent Certified Emergency
Professionals International Association of
EMTs and Paramedics
(PMT Ambulance / a Rural Metro company)
Case 28-CB-149170

- 3 -

the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before July 14, 2015**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after June 12, 2015, even if it is **postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



Comele A. Overstreet
Regional Director

Enclosure

cc: Independent Certified Emergency Professionals,
Local No. 1, affiliated with International
Association of EMTs and Paramedics
(IAEP)/NAGE/SEIU 5000
1819 Knoll Drive
Ventura, CA 93003

Professional Medical Transport, Inc.,
a subsidiary of Rural Metro
222 East Main Street
Mesa, AZ 85201

CAO/KW/inf

RECEIVED
JUL - 6 2015

4

Plaintiff
Joshua S. Barkley
2234 W. Riviera Drive
Tempe, Arizona, 85282
jbarkley40@yahoo.com

**IN THE UNITED STATES
DISTRICT COURT**

FOR THE DISTRICT OF ARIZONA

Plaintiff:)	
)	
Joshua S. Barkley,)	
sole and single)	
Individual party)	Civil Action
)	
)	CV-14-01723-NVW* (Corrected)
Vs)	
)	Motion for Expedited Clarification
Defendant:)	
)	
Independent Certified)	

Emergency Professionals)

Of Arizona, Local #1)

Request for expedited clarification on above case number:

This case was brought to the US Districts Courts by the Department of Labor with the Department of Justice representing the Plaintiff. Phase one of the case resulted in a “default” order by the Court to hold an election for the Independent Certified Emergency Professionals of Arizona, supervised by the Office of Labor Management Standards, a Federal Agency.

Phase two was to submit documents to the Court and Render a decree as required under rule 58.

Rule 58. Entering Judgment

(c) Time of Entry. For purposes of these rules, judgment is entered at the following times:

(1) if a separate document is not required, when the judgment is entered in the civil docket under Rule 79(a); or

(2) if a separate document is required, when the judgment is entered in the civil docket under Rule 79(a) and the earlier of these events occurs:

(A) it is set out in a separate document; or

(B) 150 days have run from the entry in the civil docket

The Motion comes from an intervener in this case and no decree or order has been received, nor has it been docketed at the Clerk's office. This decree is required for any labor organization to continue operations under the existing administration or by a new administration installed by the courts, based on this decree.

Enforcement (29 U.S.C. 482)

Sec. 402. (a)

The Secretary shall promptly certify to the court the names of the persons elected, and the court shall thereupon enter a decree declaring such persons to be the officers of the labor organization. If the proceeding is for the removal of officers pursuant to subsection (h) of section 401, the Secretary shall certify the results of the vote and the court shall enter a decree declaring whether such persons have been removed as officers of the labor organization.

Therefore, I am requesting an expedited clarification that may include the court decree in this case, a required document for operation of the union.

SIGNATURE PAGE

Signed this 8th day of September, 2015

/s/ Joshua S. Barkley
2234 W Riviera Drive,
Tempe, Arizona 85282
480-213-6777

Certificate of Service

Case 2:14-cv-01723-NVW Document 43 Filed 12/08/15 Page 1 of 1

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Thomas E. Perez, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

Local 1, Independent Certified
Emergency Professionals,

Defendant.

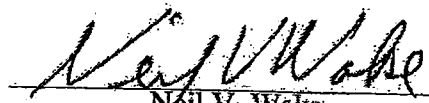
CV-14-01723-PHX-NVW

ORDER

Non-party Joshua S. Barkley has submitted a paper entitled Motion for Expedited Clarification (Doc. 42). This case was terminated upon entry of default judgment against the only Defendant, Local 1 Independent Certified Emergency Professionals, on December 3, 2014. As a non-party, Mr. Barkley may not file anything. Since the case was closed more than a year ago, nothing could be filed in any event.

IT IS THEREFORE ORDERED that the Motion for Expedited Clarification (Doc. 42) filed by non-party Joshua Barkley is stricken.

Dated this 8th day of December, 2015.


Neil V. Wake
United States District Judge

5

Ebenholtz, Keith H. <Keith.Ebenholtz@nlrb.gov>
To:jbarkley40@yahoo.com
Nov 18, 2015 at 11:26 AM

Greetings Josh:

The Regional Director has concluded in the above matter that the allegations do not have legal merit. Accordingly, I am contacting you to provide you with three options. Each option is a letter that will be sent to you and to the Charged Party Union (ICEP) over the signature of the Regional Director.

Option 1) if you choose to withdraw your charge you are waiving the right to appeal the decision of the Regional Director and the letter sent to you and the Charged Party will only indicate that the charge has been withdrawn.

Option 2) a short form dismissal is a letter in which we dismiss the charge, your appeal right is preserved, but only minimal information about the reasons for the determination is included in the letter which is sent to you and the Union.

Option 3) a long form dismissal is a letter in which we dismiss the charge, you preserve the same appeal right as in Option 2, but more detail as to the reasons for the decision to dismiss the charge is included in the letter which is sent to the you and the Union.

Please let me know your decision as to which option you prefer. If we don't hear from you by the close of business Thursday 11/19, we will automatically apply Option 3. Don't hesitate to call me if you have any questions.

Best wishes,

K

Keith H. Ebenholtz

Senior Field Examiner

National Labor Relations Board, Region 28

2600 N. Central Avenue, Suite 1400

Phoenix, AZ 85004

Direct dial: 602-640-2122

Facsimile: 602-640-2178

E-mail: Keith.Ebenholtz@NLRB.gov

6

IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



DIVISION ONE
FILED: 2/05/19
JAY M. WOOD,
CLERK
BY: DN

JOSHUA S. BARKLEY,

Plaintiff/Appellant/
Cross-Appellee,

v.

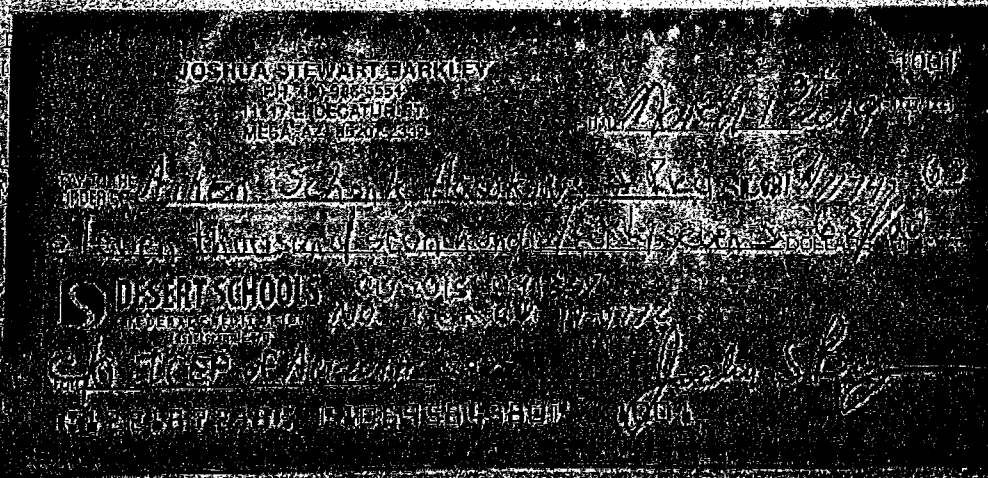
INDEPENDENT CERTIFIED EMERGENCY
PROFESSIONALS OF ARIZONA, LOCAL
41,

Defendant/Appellee/
Cross-Appellant.

Court of Appeals
Division One
No. 1:CA-CV 17-0772

Maricopa County
Superior Court
No. CV2015-001336

MANDATE



TO ALL WHOM THESE PRESENTS SHALL COME, I, JAY M. WOOD, Clerk of the Court of Appeals, Division One, hereby certify the attachment to be a full and correct copy of the MEMORANDUM DECISION filed in said cause on January 27, 2019.

IN WITNESS WHEREOF, I hereunto set my hand and seal, this 5th day of February, 2019.

JAY M. WOOD, Clerk

By: _____

Deputy Clerk


Reciept

Recieved one check Signed by Joshua S. Barkley
From Desert Schools Federal Credit Union check # 1001
For \$11,747.68

Delivered to:

Aiken Schenk Hawkins & Ricciardi
2390 E Camelback Rd #400,
Phoenix, AZ 85016

Signed & Dated by Aiken Schenk Hawkins and Ricciardi
Authorized Representative


3-1-19

215057.02

JOSHUA STEWART BARKLEY

PH. 480-988-6554

11417 E. DECATUR ST.
MESA, AZ 85207-2839

1001

DATE March 1st 2019 4723/1221

PAY TO THE
ORDER OF

Aiken Schenk Hawkins & Ricciardi #11747 62
eleven thousand seven hundred forty seven 00/100 DOLLARS



DESERT SCHOOLS

FEDERAL CREDIT UNION
desertschools.org

CU 2015 091339
NO. 1 CA CU 17-0772

FOR c/o ICEP of ARIZONA case

Joshua S Barkley

⑆122187238⑆ ⑈1069584380⑈ 1001

FOR DEPOSIT ONLY
Aiken Schenk Hawkins & Ricciardi PC
Aiken Schenk/ IOLTA
KS State Bank
101101535



DIVISION ONE

FILED: 2/05/19

AMY M. WOOD,

CLERK

BY: DN

IN THE
COURT OF APPEALS
 STATE OF ARIZONA
 DIVISION ONE

JOSHUA S BARKLEY,)	Court of Appeals
)	Division One
Plaintiff/Appellant/)	No. 1 CA-CV 17-0772
Cross-Appellee,)	
)	
v.)	Maricopa County
)	Superior Court
INDEPENDENT CERTIFIED EMERGENCY)	No. CV2015-091339
PROFESSIONALS OF ARIZONA, LOCAL)	
#1,)	
Defendant/Appellee/)	
Cross-Appellant.)	
)	

MANDATE

TO: The Maricopa County Superior Court and the Honorable David King Udall, Judge, in relation to Cause No. CV2015-091339.

This cause was brought before Division One of the Arizona Court of Appeals in the manner prescribed by law. This Court rendered its MEMORANDUM DECISION and it was filed on December 27, 2018.

The motion for reconsideration was denied and notice thereof was given on . The time for the filing of a petition for review has expired and no such petition was filed.

NOW, THEREFORE, YOU ARE COMMANDED to conduct such proceedings as required to comply with the MEMORANDUM DECISION of this court; a copy of which is attached hereto.

COSTS \$140 ATTORNEY'S FEES \$11,607.68 (Appellee/Cross-Appellant's)

I, Amy M. Wood, Clerk of the Court of Appeals, Division One, hereby certify the attachment to be a full and accurate copy of the MEMORANDUM DECISION filed in this cause on December 27, 2018.

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the Arizona Court of Appeals, Division One, on February 5, 2019.



AMY M. WOOD, CLERK

By _____ dtn _____

Deputy Clerk

7

Form NLRB 6400
Rev. 1-7-15



National Labor Relations Board

NOTICE OF PETITION FOR ELECTION

This notice is to inform employees that American Medical Response of Maryland, LLC, dba AMR, has filed a petition with the National Labor Relations Board (NLRB), a Federal agency, in Case 28-RM-234878 seeking an election to determine if its employees in the unit set forth below wish to be represented by International Association of Fire Fighters Local Industrial 60 (IAFF 1-60) for the purposes of collective bargaining.

Included: 3 units, full-time and regular part-time non-emergency EMTs, paramedics, and nurses (BO-BO) **Excluded:** On-call employees, supervisors, all other employees

This notice also provides you with information about your basic rights under the National Labor Relations Act, the processing of the petition, and rules to keep NLRB elections fair and honest.

YOU HAVE THE RIGHT under Federal Law

- To join an organization
- To form, join, or assist labor organizations
- To bargain collectively through representatives of your own choosing
- To act together for the purposes of collective bargaining or other mutual aid or protection
- To refuse to do any or all of these things unless the union and employer agree, where such agreements are permitted, under such a lawful procedure as to require employees to pay periodic dues and initiation fees. Notwithstanding that the union that may object to the use of their payments for non-representational purposes may be required to pay only their share of the union's costs for representational activities (such as collective bargaining, contract administration, grievance adjustment).

PROCESSING THIS PETITION

Elections do not necessarily occur in all cases where a petition has been filed. **HAVE BEEN MADE YET** regarding the appropriateness of an election will be held in this matter. If appropriate, the Board will order an election agreement that specifies the unit, the time and the unit of employees eligible to vote, and the date of the election. If necessary, a hearing is held to resolve any other issues in dispute. After a hearing, the Board will issue an election order.

IF AN ELECTION IS HELD, A REPRESENTATIVE
WILL BE ELECTED TO REPRESENT THE UNIT.

ELECTION RULES



UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28



AMERICAN MEDICAL RESPONSE OF MARICOPA, LLC
DRA AMR, PROFESSIONAL MEDICAL TRANSPORT, INC.
DRA PML, LIFE LINE, AND AMR; AND SW GENERAL
INC, DRA SOUTHWEST AMBULANCE, AND AMR

Employer/Petitioner

and

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS
LOCAL INDUSTRIAL 60 (IAFF 160)

Union

Case 28 RM 234875

AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES, LOCAL 2960 AFL-CIO
(AFSCME LOCAL 2960)

Union

INDEPENDENT CERTIFIED EMERGENCY
PROFESSIONALS, NAGESEIU LOCAL 1 (ICEPT LOCAL 1)

Union

NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 9(b) and 9(c) of the Act, on 11:00 AM on Wednesday, February 6, 2019 and on consecutive days thereafter until concluded, at the National Labor Relations Board offices located in Hearing Room 2600 N. Central Suite 1300 Phoenix, AZ 85004, a hearing will be conducted before a hearing officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or by counsel, and give testimony.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102(c)(6) of the Board's Rules and Regulations, International Association of Fire Fighters Local Industrial 60 (IAFF 160) and American Medical Response of Maricopa, LLC (DRA AMR) must complete the Statement of Charges and the Statement of Defenses with the National Director and serve it on the parties within the petition and must file it with them by no later than noon Mountain Standard Time on February 6, 2019. The Statement of Position may be E-Filed but, unlike other E-Filed documents, must be filed by noon Mountain Standard on the due date in order to be timely. If an

Form NLRB-6507
(Rev. 12-2015)

The NLRB applies rules that are intended to keep its elections fair and honest and that result in a free choice. If agents of any party act in such a way as to interfere with your right to a free election, the election can be set aside by the NLRB. Where appropriate the NLRB provides other remedies, such as reinstatement for employees fired for exercising their rights, including back pay from the party responsible for their discharge.

The following are examples of conduct that interferes with employees' rights and may result in setting aside the election:

1. Threatening loss of jobs or benefits by an employer or a union
2. Promising or granting promotions, pay raises, or other benefits to influence an employee's vote by a party capable of carrying out such promises
3. An employer telling employees to discourage or encourage union activity or a union causing them to be fired or discourage union activity
4. Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open up, if the election is conducted by mail, from the time and date the ballots are scheduled to be sent out by the Region until the time and date set for their return
5. Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals
6. Threatening physical force or violence to employees by a union or an employer to influence their votes

Please be assured that IF AN ELECTION IS HELD, every effort will be made to protect your right to a free choice under the law. Improper conduct will not be permitted. All parties are expected to cooperate fully with the NLRB in maintaining basic principles of a fair election as required by law. The NLRB as an agency of the United States Government does not endorse any choice in the election.

For additional information about the processing of petitions, go to www.nlrb.gov or contact the NLRB at (800) 445-2180.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED BY ANYONE. IT MUST REMAIN POSTED WITH ALL PAGES SIMULTANEOUSLY VISIBLE UNTIL REPEALED BY THE NOTICE OF ELECTION OR THE PETITION IS DISMISSED OR WITHDRAWN.



National Labor Relations Board



National Labor Relations Board

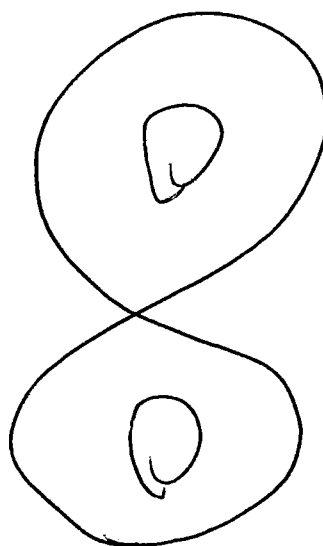
Page 2 of 3

election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position the Statement of Position is not required to be filed.

Dated: January 29, 2019

/s/ Cornel A. Overstreet

Cornel A. Overstreet, Regional Director
National Labor Relations Board
Region 23



IAEP LOCAL R12-170 6721 E MCDOWELL RD UNIT 311B SCOTTSDALE, AZ 85267-3121		1014 01-07211921
DATE <u>3/20/16</u>		
PAY TO THE ORDER OF <u>GREG EMPEY</u>		\$ <u>1,000.00</u>
<u>One Thousand and 00/100</u>		DOLLARS
DESERT SCHOOLS FEDERAL CREDIT UNION		
FOR <u>Loan Repayment</u>		
01221872380 07312642384 1014		

48490 2408578368 3/24/2016 13:28:44 >122187238< DESERT SCHOOLS FCU	
---	--

Account: ...06731-0400
Date: 03/24/2016
Amount: \$1,000.00

U.S. Department of Labor
Office of Labor-Management Standards
Washington, DC 20210

FORM LM-4 LABOR ORGANIZATION ANNUAL REPORT

Form Approved
Office of Management and Budget
No. 1245-0003
Expires 08-31-2016

FOR USE ONLY BY LABOR ORGANIZATIONS WITH LESS THAN \$10,000 IN TOTAL ANNUAL RECEIPTS

This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 439 or 440.

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT.

For Office Use Only RECEIVED DEC 3 - 2015 OLMSDBA	1. FILE NUMBER <u>545-307</u>	2. PERIOD COVERED From <u>07/01/2014</u> To <u>06/30/2015</u>	3. (a) AMENDED — If this is an amended report correcting a previously filed report, check here: <input checked="" type="checkbox"/> (b) TERMINAL — If your organization ceased to exist and this is its terminal report, see Section VI of the instructions and check here: <input type="checkbox"/>
	8. MAILING ADDRESS (Type or print in capital letters.) First Name <u>JOHAN</u> Last Name <u>GARY</u> P.O. Box - Building and Room Number (if any) _____ Number and Street <u>6721 E McDOUGALL RD UNIT 311B</u> City <u>SCOTTSDALE</u> State <u>AZ</u> ZIP Code + 4 <u>85257</u>		
4. AFFILIATION OR ORGANIZATION NAME <u>ICEPIAEP</u>		6. DESIGNATION NUMBER <u>170</u>	
7. UNIT NAME (if any)			

19. ADDITIONAL INFORMATION (If more space is needed, attach additional pages properly identified.)

Item Number
285 EMPLOYEES
187 MEMBERS
BOND PENDING

Each of the undersigned, duly authorized officers of the above labor organization, declares, under penalty of perjury and other applicable penalties of law, that all of the information submitted in this report (including the information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete. (See Section VI of the instructions.)

20. SIGNED: [Signature] PRESIDENT 21. SIGNED: [Signature] TREASURER
(If other title, see instructions.) (If other title, see instructions.)
11/17/2015 602-358-4622 11/17/2015 (602) 829-9941
Date Telephone Number Date Telephone Number

Complete Items 9 through 18.

9. During the reporting period, did your organization have any changes in its constitution and bylaws (other than rates of dues and fees) or in practices/procedures listed in the instructions?
(If the constitution and bylaws have changed, attach two new dated copies. If practices/procedures have changed, see the instructions.)

No ☒

Yes ☐

10. Did your organization change its rates of dues and fees during the reporting period?
(If "Yes," report the new rates in Item 19 on page 1.)

Yes ☐

No ☒

11. Did your organization discover any loss or shortage of funds or property during the reporting period?
(If "Yes," provide details in Item 19 on page 1.
Answer "Yes" even if there has been repayment or recovery.)

Yes ☐

No ☒

12. Was your organization insured by a fidelity bond during the reporting period?

Yes ☐

No ☒

If "Yes," enter the maximum amount recoverable under the bond for loss caused by any person.

0
1
2
3
4

13. How many members did your organization have at the end of the reporting period?

5	8	6		
---	---	---	--	--

14. Enter the total value of your organization's assets at the end of the reporting period (cash, bank accounts, equipment, etc.)

Q

69

15. Enter the total liabilities (debts) of your organization at the end of the reporting period (unpaid bills, loans owed, etc.):

1

\$

16. Enter the total receipts of your organization during the reporting period (dues, fees, interest received, etc.). (If \$10,000 or more, your organization must file Form LM-2 or LM-3 instead of this form.)


1

\$

17. Enter the total disbursements made by your organization during the reporting period (per capita tax, loans made, net payment to officers, payments for office supplies, etc.).



18. Enter the total payments to officers and employees during the reporting period (gross salaries, lost time payments, allowances, expenses, etc.).



Please be sure to:

- *Enter your union's 6-digit file number in Item 1.*
- *Report a time period of no more than one year in Item 2.*
- *Have your union's president and treasurer sign the Form LM-4 in Items 20 and 21.*
- *FILE ON TIME. Form LM-4 must be filed within 90 days after the end of your union's fiscal year.*

FORM LM-4 LABOR ORGANIZATION ANNUAL REPORT

U.S. Department of Labor
Office of Labor-Management Standards
Washington, DC 20210

Form Approved
Office of Management and Budget
No. 1245-0003
Expires 08-31-2016

FOR USE ONLY BY LABOR ORGANIZATIONS WITH LESS THAN \$10,000 IN TOTAL ANNUAL RECEIPTS

This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 439 or 440.

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT.

1. FILE NUMBER 545-307		2. PERIOD COVERED MO DAY YEAR From 04 15 2015 Through 06 30 2015		3. (a) AMENDED — If this is an amended report correcting a previously filed report, check here: <input checked="" type="checkbox"/> (b) TERMINAL — If your organization ceased to exist and this is its terminal report, see Section X of the instructions and check here: <input type="checkbox"/>	
4. AFFILIATION OR ORGANIZATION NAME IAEP/NAGE/SEIU Local 5000					
5. DESIGNATION (Local, Lodge, etc.) ICEP/IAEP Local		6. DESIGNATION NUMBER 170			
7. UNIT NAME (if any)					
8. MAILING ADDRESS (Type or print in capital letters.) First Name: J O H N Last Name: G A R Y P.O. Box • Building and Room Number (if any): Number and Street: 6721 E McDOWELL RD #311B City: SKOTTSDALE State: AZ ZIP Code + 4: 85257-					
19. ADDITIONAL INFORMATION (If more space is needed, attach additional pages properly identified.) AFFILIATED WITH THE IAEP/NAGE/SEIU Local 5000 BOND PENDING APPROXIMATELY 285 FULL TIME EMPLOYEES					
20. SIGNED: <i>[Signature]</i> Date: 1/30/2016 Telephone Number: (602) 358-4622		21. SIGNED: <i>[Signature]</i> Date: 1/30/2016 Telephone Number: (602) 429-9941		TREASURER (If other title, see instructions.) Date: 1/30/2016 Telephone Number: (602) 429-9941	

Each of the undersigned, duly authorized officers of the above labor organization, declares, under penalty of perjury and other applicable penalties of law, that all of the information submitted in this report (including the information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete. (See Section VI on penalties in the instructions.)

Enter Amounts in Dollars Only — Do Not Enter Cents

FILE NUMBER:

545 - 307

Complete Items 9 through 18.

9. During the reporting period, did your organization have any changes in its constitution and bylaws (other than rates of dues and fees) or in practices/procedures listed in the instructions?
(If the constitution and bylaws have changed, attach two new dated copies. If practices/procedures have changed, see the instructions.)

Yes ☐No ☒

10. Did your organization change its rates of dues and fees during the reporting period?
(If "Yes," report the new rates in Item 19 on page 1.)

Yes ☐No ☒

11. Did your organization discover any loss or shortage of funds or property during the reporting period?
(If "Yes," provide details in Item 19 on page 1. Answer "Yes" even if there has been repayment or recovery.)

Yes ☐No ☒

12. Was your organization insured by a fidelity bond during the reporting period?

Yes ☐No ☒

If "Yes," enter the maximum amount recoverable under the bond for loss caused by any person.

\$

13. How many members did your organization have at the end of the reporting period?

14. Enter the total value of your organization's assets at the end of the reporting period (cash, bank accounts, equipment, etc.)

\$

15. Enter the total liabilities (debts) of your organization at the end of the reporting period (unpaid bills, loans owed, etc.)

\$

16. Enter the total receipts of your organization during the reporting period (dues, fees, interest received, etc.). *(If \$10,000 or more, your organization must file Form LM-2 or LM-3 instead of this form.)*

\$

17. Enter the total disbursements made by your organization during the reporting period (per capita tax, loans made, net payment to officers, payments for office supplies, etc.).

\$

18. Enter the total payments to officers and employees during the reporting period (gross salaries, lost time payments, allowances, expenses, etc.).

\$

Please be sure to:

- Enter your union's 6-digit file number in Item 1.
- Report a time period of no more than one year in Item 2.
- Have your union's president and treasurer sign the Form LM-4 in Items 20 and 21.
- **FILE ON TIME.** Form LM-4 must be filed within 90 days after the end of your union's fiscal year.

24. ALL OFFICERS AND DISBURSEMENTS TO OFFICERS

FILE NUMBER: 545-307

(A) Name (List all persons who held office during the reporting period even if they received no salary or other disbursements)		(C) Status *	Gross Salary (before taxes and other deductions) (D)	Allowances and Other Disbursements (E)	TOTAL (F)
(B) Title (Enter title of officer, such as PRESIDENT or TREASURER)					
Lopez	Tony	C	\$0	\$0	\$0
Smith	Jason	C	\$0	\$0	\$0
Vice President	Ronald	C	\$0	\$0	\$0
Business Manager	John	C	\$0	\$0	\$0
Treasurer	David	C	\$0	\$0	\$0
Rosenbostal		C	\$0	\$0	\$0
Secretary		C	\$0	\$0	\$0
Total Disbursements to Officers			\$0	\$0	\$0
The Total from Net Disbursements will be entered in Item 45				Less Deductions	\$0
				Net Disbursements	\$0
			(If any officer was not elected at a regular election in accordance with your organization's constitution and bylaws, explain in Item 56.)		

** Code (C) Status: past officer - P; continuing officer - C;
new officer during the reporting period - N.

Form LM-3 (Revised 2010)

U.S. Department of Labor
Office of Labor-Management Standards
Washington, DC 20210

FORM LM-3 LABOR ORGANIZATION ANNUAL REPORT

Form Approved
Office of Management and Budget
No. 1245-0003
Expires: 08-31-2016

FOR USE ONLY BY LABOR ORGANIZATIONS WITH LESS THAN \$250,000 IN TOTAL ANNUAL RECEIPTS

This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 439 or 440.

For Official Use Only		1. FILE NUMBER 545-307	2. PERIOD COVERED From 07/01/2015 Through 06/30/2016	3. (a) AMENDED - Is this an amended report: (b) HARDSHIP - Filed under the hardship procedures: (c) TERMINAL - Is this a terminal report:	No No No
READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT.					
4. AFFILIATION OR ORGANIZATION NAME GOVERNMENT EMPLOYEES UNION AFL-CIO					
5. DESIGNATION (Local, Lodge, etc.) LOCAL UNION		6. DESIGNATION NBR 170		8. MAILING ADDRESS (Type or print in capital letters)	
7. UNIT NAME (if any)				First Name JOHN	Last Name GARY
				P.O. Box - Building and Room Number	
				Number and Street 6721 E MCDOWELL RD #311B	
				City SCOTTSDALE	
				State AZ	ZIP Code + 4 85257
9. Are your organization's records kept at its mailing address? Yes					

Each of the undersigned, duly authorized officers of the above labor organization, declares, under penalty of perjury and other applicable penalties of law, that all of the information submitted in this report (including information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned individual's knowledge and belief, true, correct and complete (See Section V on penalties in the instructions.)

26. SIGNED: Date: Tony A Lopez Aug 12, 2016	27. SIGNED: Date: John P Gary Aug 12, 2016	28. SIGNED: Date: PRESIDENT 602-358-4622	29. SIGNED: Date: TREASURER 602-829-9941
---	--	--	--

Form LM-3 (Revised 2010)

During the Reporting Period Did Your Organization:

10. Have a "subsidiary organization" as defined in Section X of the instructions?
 11. Create or participate in the administration of a trust or other fund or organization which provides benefits for members or their beneficiaries?
 12. Have a Political Action Committee (PAC) fund?
 13. Acquire or dispose of any goods or property in any manner other than purchase or sale?
 14. Have an audit or review of its books and records by an outside accountant or by a parent body auditor/representative?
 15. Discover any loss or shortage of funds or other property? (Answer "Yes" even if there has been repayment or recovery.)
 16. Have any officer who was paid \$10,000 or more by your organization and also received \$10,000 or more as an officer or employee of another labor organization or of an employee benefit plan?
 17. Pay any employee salary, allowances, and other expenses which, together with any payments from affiliates, totaled more than \$10,000?
 18. Have loans totaling more than \$250 to any officer, employee, or member, or make any loans to a business enterprise?

No
No
No
No
No
No
No
No
No
No
No

19. How many members did your organization have at the end of the reporting period?
 20. What is the maximum amount recoverable under your organization's fidelity bond for a loss caused by any officer or employee of your organization?
 21. During the reporting period, did your organization have any changes in its constitution or bylaws (other than rates of dues and fees) or in practices/procedures listed in the instructions?
 22. What is the date of the labor organization's next regular election of officers?
 23. What is the labor organization's rates of dues and fees?

No

02/2018

Rates of Dues and Fees			
Dues/Fees	Amount	Unit	Maximum
(a) Regular Dues/Fees	24.00 per	Pay Period	24.00
(b) Initiation Fees	0 per		0
(c) Transfer Fees	0 per		0
(d) Work Permits	0 per		0

STATEMENT A - ASSETS AND LIABILITIES

FILE NUMBER: 545-307

ASSETS	Start of Reporting Period (A)	End of Reporting Period (B)	LIABILITIES	Start of Reporting Period (C)	End of Reporting Period (D)
25. Cash	\$0	\$5,749	32. Accounts Payable	\$6,000	\$13,748
26. Loans Receivable	\$0	\$0	33. Loans Payable	\$9,000	\$1,000
27. U.S. Treasury Securities	\$0	\$0	34. Mortgages Payable	\$0	\$0
28. Investments	\$0	\$0	35. Other Liabilities	\$0	\$0
29. Fixed Assets	\$0	\$0	36. TOTAL LIABILITIES	\$15,000	\$14,748
30. Other Assets	\$0	\$0			
31. TOTAL ASSETS	\$0	\$5,749	37. NET ASSETS	-\$15,000	-\$8,999

STATEMENT B - RECEIPTS AND DISBURSEMENTS

CASH RECEIPTS	AMOUNT	CASH DISBURSEMENTS	AMOUNT
38. Dues	\$4,028	45. To Officers (from item 24)	\$0
39. Per Capita Tax	\$63,458	46. To Employees (less deductions)	\$0
40. Fees, Fines, Assessments, Work Permits	\$0	47. Per Capita Tax	\$31,729
41. Interest and Dividends	\$0	48. Office and Administrative Expense	\$808
42. Sale of Investments and Fixed Assets	\$0	49. Professional Fees	\$21,000
43. Other Receipts	\$0	50. Benefits	\$0
44. TOTAL RECEIPTS	\$67,486	51. Contributions, Gifts, and Grants	\$0
If total receipts reported in item 44 are \$250,000 or more, your organization must file Form LM-2 instead of this form.		52. Purchase of Investments and Fixed Assets	\$0
		53. Loans Made	\$0
		54. Other Disbursements	\$8,200
		55. TOTAL DISBURSEMENTS	\$61,737

Form LM-3 (Revised 2010)


2/21/2019

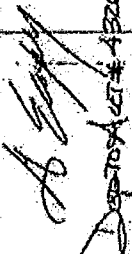
56. ADDITIONAL INFORMATION SUMMARY

Form LM-3 (Revised 2004)

545-307 (LM3) 06/30/2016

FILE NUMBER: 545-307

IAEP LOCAL R12-170 6721 E MCCOWELL RD UNIT 211B SCOTTSDALE, AZ 85267-3181		1019 01-0225/1221
DATE <u>4/13/16</u>		
PAY TO THE ORDER OF <u>GREG EMPAT</u>	\$ <u>1,000.00</u>	
<u>ONE THOUSAND AND 00/100</u>	DOLLARS	
 DESERT SCHOOLS FEDERAL CREDIT UNION		
FOR <u>LEGAL LOAN</u>		
⑆122187238⑆ ⑈731264236⑈ 1019		

 DEPOSITED AT 12:10:28 PM 4/13/2016	DEBET SCHOOLS FCU
	>122187238<
	4/13/2016 12:10:28
	44284 2640871517

Account: ...06731-0400
Date: 04/13/2016
Amount: \$1,000.00

U.S. Department of Labor
Office of Labor-Management Standards
Washington, DC 20210

FORM LM-3 LABOR ORGANIZATION ANNUAL REPORT

Form Approved
Office of Management and Budget
No. 1245-0003
Expires: 07-31-2019

FOR USE ONLY BY LABOR ORGANIZATIONS WITH LESS THAN \$250,000 IN TOTAL ANNUAL RECEIPTS

This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 439 or 440.

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT.			
For Official Use Only	1. FILE NUMBER 545-307	2. PERIOD COVERED From 07/01/2016 Through 06/30/2017	3. (a) AMENDED - Is this an amended report: (b) HARSHIP - Filed under the hardship procedures: (c) TERMINAL - Is this a terminal report: No No No
4. AFFILIATION OR ORGANIZATION NAME GOVERNMENT EMPLOYEES UNION AFL-CIO			
5. DESIGNATION (Local, Lodge, etc.) LOCAL UNION		6. DESIGNATION NBR 170	
7. UNIT NAME (if any)			
8. MAILING ADDRESS (Type or print in capital letters)			
First Name JOHN		Last Name GARY	
P.O. Box - Building and Room Number			
Number and Street 6721 E MCDOWELL RD #311B			
City SCOTTSDALE			
State AZ		ZIP Code + 4 85257	
9. Are your organization's records kept at its mailing address? Yes			
Each of the undersigned, duly authorized officers of the above labor organization, declares, under penalty of perjury and other applicable penalties of law, that all of the information submitted in this report (including information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned individual's knowledge and belief, true, correct and complete (See Section V on penalties in the instructions.)			
26. SIGNED: Date: Tony A Lopez Aug 14, 2017		27. SIGNED: Date: John P Gary Aug 13, 2017	
Contact Info:		Contact Info:	
PRESIDENT 602-358-4622		TREASURER 602-829-9941	

Form LM-3 (Revised 2010)

During the Reporting Period Did Your Organization:

10. Have a "subsidiary organization" as defined in Section X of the instructions?
 11. Create or participate in the administration of a trust or other fund or organization which provides benefits for members or their beneficiaries?
 12. Have a Political Action Committee (PAC) fund?
 13. Acquire or dispose of any goods or property in any manner other than purchase or sale?
 14. Have an audit or review of its books and records by an outside accountant or by a parent body auditor/representative?
 15. Discover any loss or shortage of funds or other property? (Answer "Yes" even if there has been repayment or recovery.)
 16. Have any officer who was paid \$10,000 or more by your organization and also received \$10,000 or more as an officer or employee of another labor organization or of an employee benefit plan?
 17. Pay any employee salary, allowances, and other expenses which, together with any payments from affiliates, totaled more than \$10,000?
 18. Have loans totaling more than \$250 to any officer, employee, or member, or make any loans to a business enterprise?

No
No
No
No
No
No
No
No
No
No

19. How many members did your organization have at the end of the reporting period?
 20. What is the maximum amount recoverable under your organization's fidelity bond for a loss caused by any officer or employee of your organization?
 21. During the reporting period, did your organization have any changes in its constitution or bylaws (other than rates of dues and fees) or in practices/procedures listed in the instructions?
 22. What is the date of the labor organization's next regular election of officers?
 23. What are the labor organization's rates of dues and fees?

No

02/2018

Rates of Dues and Fees			
Dues/Fees	Amount	Unit	Minimum
(a) Regular Dues/Fees	24.00	per pay period	24.00
(b) Initiation Fees		per	
(c) Transfer Fees		per	
(d) Work Permits		per	

Form LM-3 (Revised 2010)

24. ALL OFFICERS AND DISBURSEMENTS TO OFFICERS

FILE NUMBER: 545-307

(A) Name (List all persons who held office during the reporting period even if they received no salary or other disbursements)		(C) Status *	Gross Salary (before taxes and other deductions) (D)	Allowances and Other Disbursements (E)	TOTAL (F)
(B) Title (Enter title of officer, such as PRESIDENT or TREASURER)					
Lopez	Tony	C	\$0	\$0	\$0
President					
Garn	Matt	C	\$0	\$0	\$0
Vice President					
Empey	Greg	C	\$0	\$0	\$0
Business Manager					
Rosenbostal	David	C	\$0	\$0	\$0
Secretary					
Gary	John	C	\$0	\$0	\$0
Treasurer					
Total Disbursements to Officers			\$0	\$0	\$0
The Total from Net Disbursements will be entered in Item 45				Less Deductions	\$0
				Net Disbursements	\$0
** Code (C) Status: past officer - P; continuing officer - C; new officer during the reporting period - N.			(If any officer was not elected at a regular election in accordance with your organization's constitution and bylaws, explain in Item 56.)		

Form LM-3 (Revised 2010)

STATEMENT A - ASSETS AND LIABILITIES

FILE NUMBER: 545-307

ASSETS	Start of Reporting Period (A)	End of Reporting Period (B)	LIABILITIES	Start of Reporting Period (C)	End of Reporting Period (D)
25. Cash	\$5,749	\$48,361	32. Accounts Payable	\$13,748	\$0
26. Loans Receivable	\$0	\$0	33. Loans Payable	\$1,000	\$0
27. U.S. Treasury Securities	\$0	\$0	34. Mortgages Payable	\$0	\$0
28. Investments	\$0	\$0	35. Other Liabilities	\$0	\$0
29. Fixed Assets	\$0	\$0	36. TOTAL LIABILITIES	\$14,748	\$0
30. Other Assets	\$0	\$0			
31. TOTAL ASSETS	\$5,749	\$48,361	37. NET ASSETS	-\$8,999	\$48,361

STATEMENT B - RECEIPTS AND DISBURSEMENTS

CASH RECEIPTS	AMOUNT	CASH DISBURSEMENTS	AMOUNT
38. Dues	\$0	45. To Officers (from item 24)	\$0
39. Per Capita Tax	\$132,019	46. To Employees (less deductions)	\$0
40. Fees, Fines, Assessments, Work Permits	\$0	47. Per Capita Tax	\$66,562
41. Interest and Dividends	\$0	48. Office and Administrative Expense	\$540
42. Sale of Investments and Fixed Assets	\$0	49. Professional Fees	\$15,101
43. Other Receipts	\$0	50. Benefits	\$0
44. TOTAL RECEIPTS	\$132,019	51. Contributions, Gifts, and Grants	\$500
if total receipts reported in Item 44 are \$250,000 or more, your organization must file Form LM-2 instead of this form.		52. Purchase of Investments and Fixed Assets	\$0
		53. Loans Made	\$0
		54. Other Disbursements	\$6,704
		55. TOTAL DISBURSEMENTS	\$89,407

Form LM-3 (Revised 2010)

U.S. Department of Labor
Office of Labor-Management Standards
Washington, DC 20210

FORM LM-3 LABOR ORGANIZATION ANNUAL REPORT

Form Approved
Office of Management and Budget
No. 1245-0003
Expires: 07-31-2019

FOR USE ONLY BY LABOR ORGANIZATIONS WITH LESS THAN \$250,000 IN TOTAL ANNUAL RECEIPTS

This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 439 or 440.

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT.			
For Official Use Only	1. FILE NUMBER 545-307	2. PERIOD COVERED From 07/01/2017 Through 06/30/2018	3. (a) AMENDED - Is this an amended report: (b) HARSHIP - Filed under the hardship procedures: (c) TERMINAL - Is this a terminal report: No No No
4. AFFILIATION OR ORGANIZATION NAME GOVERNMENT EMPLS NAGE SEIU AFL-CIO			
5. DESIGNATION (Local, Lodge, etc.) LOCAL UNION		6. DESIGNATION NBR 170	
7. UNIT NAME (if any)			
8. MAILING ADDRESS (Type or print in capital letters)			
First Name JOHN		Last Name GARY	
P.O. Box - Building and Room Number			
Number and Street 6942 W. Pleasant Oak Court			
City Florence			
State AZ		ZIP Code + 4 85132	
9. Are your organization's records kept at its mailing address? Yes			
Each of the undersigned, duly authorized officers of the above labor organization, declares, under penalty of perjury and other applicable penalties of law, that all of the information submitted in this report (including information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned individual's knowledge and belief, true, correct and complete (See Section V on penalties in the instructions.)			
26. SIGNED: Ronald Gam Date: Aug 22, 2018		27. SIGNED: John P Gary Date: Aug 23, 2018	
Contact Info:		Contact Info: 602-829-9941	

Form LM-3 (Revised 2010)

During the Reporting Period Did Your Organization:

10. Have a "subsidiary organization" as defined in Section X of the instructions?
 11. Create or participate in the administration of a trust or other fund or organization which provides benefits for members or their beneficiaries?
 12. Have a Political Action Committee (PAC) fund?
 13. Acquire or dispose of any goods or property in any manner other than purchase or sale?
 14. Have an audit or review of its books and records by an outside accountant or by a parent body auditor/representative?
 15. Discover any loss or shortage of funds or other property? (Answer "Yes" even if there has been repayment or recovery.)
 16. Have any officer who was paid \$10,000 or more by your organization and also received \$10,000 or more as an officer or employee of another labor organization or of an employee benefit plan?
 17. Pay any employee salary, allowances, and other expenses which, together with any payments from affiliates, totaled more than \$10,000?
 18. Have loans totaling more than \$250 to any officer, employee, or member, or make any loans to a business enterprise?

No
No
No
No
No
No
No
No
No
No
No

19. How many members did your organization have at the end of the reporting period?
 20. What is the maximum amount recoverable under your organization's fidelity bond for a loss caused by any officer or employee of your organization?
 21. During the reporting period, did your organization have any changes in its constitution or bylaws (other than rates of dues and fees) or in practices/procedures listed in the instructions?
 22. What is the date of the labor organization's next regular election of officers?
 23. What is the labor organization's rates of dues and fees?

No

02/2021

Rates of Dues and Fees				
Dues/Fees	Amount	Unit	Minimum	Maximum
(a) Regular Dues/Fees	24 per	Pay period	24	24
(b) Initiation Fees	0 per		0	0
(c) Transfer Fees	0 per		0	0
(d) Work Permits	0 per		0	0

FILE NUMBER: 545-307

24. ALL OFFICERS AND DISBURSEMENTS TO OFFICERS

(A) Name (List all persons who held office during the reporting period even if they received no salary or other disbursements)		(C) Status *	Gross Salary (before taxes and other deductions) (D)	Allowances and Other Disbursements (E)	TOTAL (F)
(B) Title (Enter title of officer, such as PRESIDENT or TREASURER)					
Gary	Ronald	M	\$0	\$0	\$0
President		P			
Rodenbostel	David		\$0	\$0	\$0
Vice President		P			
Gary	John	P	\$0	\$0	\$0
Treasurer		C			
Smith	Kory		\$0	\$0	\$0
Secretary		N			
Total Disbursements to Officers			\$0	\$0	\$0
The Total from Net Disbursements will be entered in Item 45				Less Deductions	\$0
				Net Disbursements	\$0
			(If any officer was not elected at a regular election in accordance with your organization's constitution and bylaws, explain in Item 56.)		

** Code (C) Status: past officer - P; continuing officer - C;
new officer during the reporting period - N.

Form LM-3 (Revised 2010)

STATEMENT A - ASSETS AND LIABILITIES

FILE NUMBER: 545-307

ASSETS	Start of Reporting Period (A)	End of Reporting Period (B)	LIABILITIES	Start of Reporting Period (C)	End of Reporting Period (D)
25. Cash	\$48,361	\$48,126	32. Accounts Payable	\$0	\$0
26. Loans Receivable	\$0	\$0	33. Loans Payable	\$0	\$0
27. U.S. Treasury Securities	\$0	\$0	34. Mortgages Payable	\$0	\$0
28. Investments	\$0	\$0	35. Other Liabilities	\$0	\$0
29. Fixed Assets	\$0	\$0	36. TOTAL LIABILITIES	\$0	\$0
30. Other Assets	\$0	\$0			
31. TOTAL ASSETS	\$48,361	\$48,126	37. NET ASSETS	\$48,361	\$48,126

STATEMENT B - RECEIPTS AND DISBURSEMENTS

CASH RECEIPTS	AMOUNT	CASH DISBURSEMENTS	AMOUNT
38. Dues	\$92,414	45. To Officers (from item 24)	\$0
39. Per Capita Tax		46. To Employees (less deductions)	\$0
40. Fees, Fines, Assessments, Work Permits		47. Per Capita Tax	\$47,545
41. Interest and Dividends		48. Office and Administrative Expense	\$2,012
42. Sale of Investments and Fixed Assets		49. Professional Fees	\$20,292
43. Other Receipts		50. Benefits	\$0
44. TOTAL RECEIPTS	\$92,414	51. Contributions, Gifts, and Grants	\$500
If total receipts reported in Item 44 are \$250,000 or more, your organization must file Form LM-2 instead of this form.		52. Purchase of Investments and Fixed Assets	\$0
		53. Loans Made	\$0
		54. Other Disbursements	\$22,300
		55. TOTAL DISBURSEMENTS	\$92,649

Form LM-3 (Revised 2010)

9

AIKEN SCHENK

October 21, 2016

Via U.S. Mail and Certified Mail/Return Receipt Requested

Linda Combs
9765 130th Avenue
Beaverton, OR 97008

Re: Time-Sensitive Inquiry related to Linda Combs' Sworn Declaration

Dear Ms. Combs,

We are counsel for Independent Certified Emergency Professionals of Arizona, Local No. 1 ("ICEP" or "the Union"). We are contacting you because ICEP's former President, Joshua Barkley ("Mr. Barkley"), has identified you as a critical witness in a lawsuit he filed against the Union in Maricopa County Superior Court. (See *Joshua Barkley v. Independent Certified Emergency Professionals of Arizona, Local #1*, Case No. CV2015-091339.) If you are represented by counsel, please forward this letter to your attorney.

Enclosed is a sworn witness declaration that purports to provide your testimony in this lawsuit under penalty of perjury. It is apparently signed by you. In this lawsuit, Mr. Barkley is claiming that you and other Union officers entered into an enforceable oral contract on behalf of the Union to pay Mr. Barkley significant monies for all of his services as ICEP President. Specifically, Mr. Barkley claims he is owed over \$396,000 from Union member dues for his services. The enclosed declaration supports Mr. Barkley's claim for damages. Mr. Barkley has filed this declaration with the court.

Assuming you actually signed this declaration and intended the testimony contained therein, you are one of three critical witnesses in this lawsuit. As a result, you will likely be called as a witness in the upcoming trial. Any testimony you provide at trial or otherwise (including the attached sworn declaration) is under penalty of perjury. Please be aware that Arizona considers perjury a felony crime. (See A.R.S. § 13-2702).

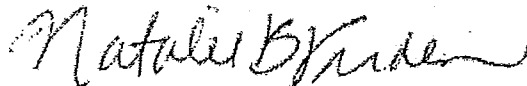
YOU SHOULD NOTIFY US IMMEDIATELY if there are any misunderstandings or concerns related to the enclosed declaration. For instance, if you do not recognize the declaration as a document you voluntarily signed, you believe the declaration has been modified or altered, you did not intend this declaration to be used as testimony, you did not understand that the declaration would be used to support Mr. Barkley's claims in a lawsuit against ICEP, you did not draft the declaration as Mr. Barkley has implied and/or there are any other issues you believe are relevant to the use of this declaration in Case No. CV2015-091339, please let us know immediately. If any of these issues exist, it may change your status as one of the three critical witnesses for trial.

Linda Combs
October 21, 2016
Page 2

This matter is extremely time sensitive. Please contact us as soon as possible so that we can determine whether you will be deposed or listed as a trial witness. If we do not hear from you, we will move forward under the assumption that the enclosed declaration is the testimony you intend to provide in *Joshua Barkley v. Independent Certified Emergency Professionals of Arizona, Local #1*, Case No. CV2015-091339 and we will prepare for trial with the understanding that you are still a critical witness.

Sincerely,

AIKEN SCHENK HAWKINS & RICCIARDI P.C.



Michael J. Petitti, Jr.
Erin A. Hertzog
Natalie B. Virden

Enclosure
cc: Tony Lopez

Case: 11-71785 09/23/2011 ID: 7904325 DktEntry: 11 Page: 1 of 1

FILED

UNITED STATES COURT OF APPEALS

SEP 23 2011

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

v.

PROFESSIONAL MEDICAL
TRANSPORT, INC.,

Respondent.

No. 11-71785

ORDER

Before: HAWKINS, CLIFTON, and IKUTA, Circuit Judges.

The application of the National Labor Relations Board for summary enforcement of its December 13, 2010 order is granted because respondent has not identified any extraordinary circumstances to excuse the failure to raise objections to the Board. *See* 29 U.S.C. § 160(e); *Woelke v. N.L.R.B.*, 456 U.S. 645, 665 (1982).

Unless objections as to form are received within fourteen (14) days of the date of this order, the form of judgment already submitted by the National Labor Relations Board will be the judgment of the court.

The motion to file a sur-reply is denied.

KB/MOATT

**MEMO OF UNDERSTANDING
ICEP AND PMT
ADMINISTRATION
March 15, 2007**

This MOU will serve as an interim document to recognize the labor management arrangement between the ICEP and the PMT administration. It will serve as an outline to basic labor management goals, operational objectives and organizational behavior in dealing with each other, while contract negotiations continue. Both parties recognize and adhere to the goals and objectives outlined in the Organizations mission statement and Operational behavior.

1. The administration recognizes the ICEP as the bargaining unit for the employees of PMT.
2. The ICEP recognizes the Administrations rights to make Business decisions in the best interest of the company.
3. The Administration recognizes the rights of the ICEP to represent the best interest of the membership
4. Both parties will observe and refer to all Federal labor laws when dealing with membership issues, to include HIPPA, OSHA and EEOC guidelines that directly effect ICEP membership.
5. Both parties agree that any personnel facing discipline above the level of oral reprimand, will have the right to Union representation. *documented*
6. The Administration refers to the Organization's Discipline Process when administering discipline to ICEP members.
7. The union will use the Hierarchy of discipline to determine the level of representation needed for the member. Trustees to be used at initial discipline meetings and initial grievances. The business manager will handle all discipline above that level.

- reasonable* *AK JB*
8. The administration agrees to notify the union in cases of written reprimands, or above, as noted in the disciplinary process.
 9. The Administration agrees to a meet and confer system for all union committees to better increase communications between labor and management.
 10. The Union may have access to all communication and electronic devices, to be limited to the Union President or his designee, and the receiver of such message, on an as needed basis. All messages must be in compliance with applicable laws governing the use of such devices.
 11. The union may have confidential access to the courier system with the understanding that no material transferred in this system will be derogatory in nature to the Administration, executive board or The Company, (PMT), and complies with all laws governing the use of such a system.

Bob Ramsey, President PMT
March 13, 2007

Joshua Barkley, President ICEP
March 15, 2007

**Barkley vs. The United States,
ICEP/NAGE/SEIU 5000,
NLRB, Department of Labor
and employees operating
in their official and individual capacities.**

Sworn affidavit of Joshua S Barkley March 1st, 2019

R.I.C.O. case against named defendants

I, Joshua S. Barkley to swear under penalty of perjury the following is true.

- 1) I was the founder and duly elected President of the Independent Certified Emergency Professionals of Arizona, September 12th, 2016
- 2) The Department of Labor forced our Labor Union into the United States District court and forced an union officer election through default Case no CV-14-01723-NVW
- 3) There was no decree issued by the court in the election case certifying anyone as the winner of the election.
- 4) There still is no decree issued by the court in that union officer election
- 5) Under Enforcement 29 U.S.C. 482 Sec. 402. 2 c, the certification of election is a mandated civil decree,
- 6) In August of 2015, six months after the election, Phoenix Beausoliel advised me that there was no certification of election and then refused to reverse the damages that had begun while in the performance of his law enforcement duties.

- 7) I filed a Breach of Contract case on March 11th, 2015 on the day of the swearing in of non ratified officers Empey, Lopez, Gary and Garn
- 8) The new officers retained counsel to defend that case (CV-2015-091339) unlawfully and without a decree from Judge Neil V Wake granting them the authority to do so.
- 9) The Department of Labor Secretary Thomas Perez and his Law Enforcement officers refused to withdraw the unrated officers and damages were significant, (See complaint)
- 10) I submitted at least 21 pleadings, motions and emails advising Aiken Schenk Hawkins and Ricciardi of their unlawful retention. They also refused to withdraw.
- 11) ASHR won summary judgement in a civil case (Breach of Contract CV-2015-091339) without even being a lawful participant to the case.
- 12) ASHR won an appeal to the same case and won \$11,747.68 for attorneys fees in that Breach of Contract case. (*Plaintiffs motion to amend was continually denied.*)
- 13) ASHR was funded with unlawful union dues collected by an unlawful union affiliation with the International Association of EMTs and Paramedics/ National Association of Government Workers / Service Workers International Union 5000.
- 14) Dues were collected without authorization slips as per Michael Petitti, counsel for the unlawful organization.
- 15) Damages to employees exceed \$300,000 as per their financial reports
- 16) I hired a private investigator to find the RICOs (ICEP/NAGE/SEIU 5000) file number for the Department of Labors Financial reporting center.

17) None of the actions of any of these defendants could have been accomplished without the participation of all entities , Department of Labor Thomas Perez, DOL, Office of Labor Management Standards, Phoenix Beausoliel, Ed Oquendo, Thomas Hayes, NLRB Regional Director Cornele Overstreet, Miguel Rodrigues and Keith Ebenholts (NLRB Investigators) Greg Empey, Tony Lopez, John Gary, Matthew Garn for the Defendant Union

18) The National Labor Relations Board, Regional Director Cornele Overstreet had full knowledge of the status of the defendants when he denied my unfair labor charges and ratified an affiliation union that was proctored by individuals with no District Court Authority to do so.

19) Five courts have ignored my requests for injunctions or clarifications of legality to stop the unlawful RICO from continuing.

20) The US Government and its agencies and agents were complicit in the amount of damage now before this Court.

21) NLRB Regional Director now forces the same Defendant Union into its third unlawful election to remove the ICEP/NAGE/SEIU 5000 and the debts they owe.

22) I sent a cease and desist letter to both the DOL and the NLRB to stop their third unlawful election.

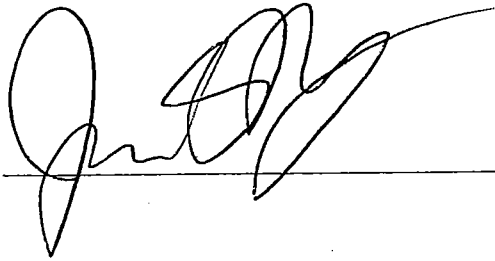
23) The US Agencies involves, the Unions involved and the employees together have participated in an unlawful concerted effort to remove me and the ICEP from the existence of the Labor community.

24) Empey, Lopez, Gary and Garn are the necessary employees in the field the organization needed to exact the harsh conditions on this Plaintiff to rob the employees and this plaintiff of their property.

25) The organization operates unlawfully to this day and have had two unlawful elections and a third is pending.

All my statements are an abbreviated sworn statement describing the harsh working conditions and illegal activity that is happening under the color of law and without anyone doing anything about it, even when mandated by written congressional law.

//Joshua S Barkley

A handwritten signature in black ink, appearing to read 'Joshua S. Barkley', written over a horizontal line.

March 1st, 2019

**SWORN AFFADAVIT OF
JOSHUA BARKLEY,
PRO-SE PLAINTIFF
August 6th, 2017**

I hereby present to the court my sworn affidavit concerning the Under Advisement Ruling of case CV_2015-091339 and to the errors in this case.

1. The U.S. District Court of Arizona supervised an officer election after suit was filed by the US Department of Labor Director, Thomas Perez.
- 2) The write in ballots of that election were sent to a PO box in Mesa Arizona that had been closed by the US Department of Labor prior to receiving timely mail in ballots. All write in ballots were returned to sender and not counted.
- 3) The US Department of Labor, Arizona Division, declared that there was no order issued by Judge Neal V Wake, District of Arizona | United States District Court, certifying that election and all requests for information would be denied until said order was issued by the court. The DOL / DOJ did just that in the 2016-17 FOIA case were they refused to release any information directly pertaining to the officer election.
- 4) No such District Court order was ever issued in that election case, removing the right to appeal the ruling and removing the right to any FOIA requests to be filled by the Department of Labor.
- 5) I, the Plaintiff, sued in good faith in March of 2016, the same day the DOL placed the uncertified officers.
- 6) The DOL never removed the uncertified officers causing a cascade of Federal and State law violations.
- 7) US District Court Jude Neal V Wake struck from the record a request for clarification concerning the lack of said order on 12/08/2015.

8) Therefore, the Defendant in this Superior Court civil case, as a matter of Federal and State law, did not answer this suit and defaulted in April of 2016.

9) The Defendant union is unrepresented in this case

10) The Defendant Union was not represented in State mandated settlement conferences.

11) The officers responsible for retaining counsel for the defense are not officers of the union and are illegally in control of that enterprise.

12) The court denied an injunction against the Defendant Union on March 24th, 2016 to stop an illegal affiliation election, effectively enjoining the International Association of EMTS and Paramedics.

13) As of August 6th, 2017, the mandatory certifying court order has not been issued and all actions by the defense are void

14) I, the Plaintiff, objected to this unlawful defense from the onset as put forth in the Plaintiffs Initial Discovery Disclosure statement, the request for Declaratory Judgment, the motion for Summary Judgement dated July of 2016, and the majority of all submissions and pleadings to this court.

15) The Plaintiff was denied all requests for clarifications of plaintiff's rights without explanation from the court.

16) The court and the Opposing counsel failed to notify the Plaintiff that this case had been removed to federal court.

17) The US District court of Arizona declared the opposing counsels removal and defense as improper. Opposing counsel failed to adequately defend against summary Judgment request by this Plaintiff in July of 2016 by rule.

18) No Federal or State court has declared the Defendants Officer election valid.

19) The US Department of Labor has declared the election not valid until the issuance of an Order from the Supervising US District Court Judge Neal V Wake.

20) The Department of Labor has no certification of union officer election for the Independent Certified Emergency Professionals of Arizona published in their Annual report for 2014, 2015 or 2016. (Exhibit 1)

21) The Department of Labor has no Affiliation election with the International Association of EMTs and Paramedics published its annual report for 2014, 2015 or 2016.

22) There is no record of the Independent Certified Emergency Professionals, Nage/SEIU, local 1 Collective Bargaining Agreement listed in Department of Labor mandatory records.

23) There are no records of the officer election, the unlawful union affiliation election completed prior to the DOL certification or the collective bargaining agreement no in service between PMT Ambulance and Nage/SEIU, local 1.

24) The International Association of EMTs and Paramedics for PMT Ambulance social media page has been shut down since August of 2016.

25) The Court denied the Plaintiffs amended complaint to include fraud with material evidence attached.

26) Amended complaint to conform to the evidence was also denied by Arizona Superior Court, Maricopa.

27) Motion for declaratory Judgement by this Plaintiff to address said US District order was denied by this court

28) All Plaintiffs motions and pleadings to this court were denied, save one motion for additional discovery

29) Plaintiffs request for costs associated with the improper removal to federal court were denied by this court.

30) This court's order for Plaintiffs proposed order was prematurely nullified by the courts under advisement ruling.

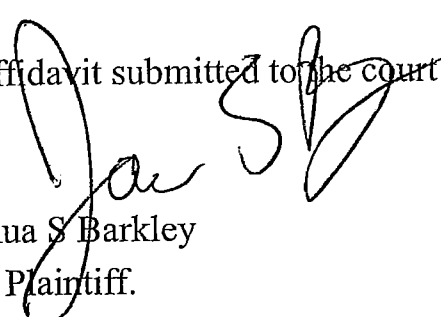
31) The Court failed to notify the Plaintiff of it's under advisement ruling.

32) There are no agencies or courts, federal or state that contest this Plaintiffs material evidence showing the Defendant in this case is not represented as a matter of Law.

33) Opposing counsel fails and has failed in ALL pleadings and requests to produce any Court order that nullifies Plaintiffs material evidence showing the Defendant is not represented in this case.

34) Opposing Counsel failed to show any court records of any kind that the US Department of Labor, the US District Courts of Arizona recognize the new affiliation Union elected on March 24th, 2016 or any documents from the same agencies that show they recognize opposing counsels Defendants officers.

This affidavit submitted to the court under penalty of perjury.



/s/Joshua S Barkley
Pro-se Plaintiff.
August 5th, 2016

**Sworn Affidavit of
Joshua S. Barkley,
For the
National Labor Relations Board Region 28,
Case # 28-CB-157640.**

Within the last 6 months, the ICEP held an unlawful vote to affiliate with the IAEP/NAGE-SEIU 500

Greg Empey had participated in three unlawful recall attempts after he resigned for bargaining against the ICEP members and having his status changed to "not eligible to participate in Union Representation activities" as required under OLMS RULE. He failed three times to have me recalled before the Company assisted him by mandating employees sign his petition prior to being issued equipment to work. The petition signatures were mandatory as per the Management team headed by Wayne Clonts, Operations manager, who ordered his support services staff collect those signatures for Empey.

After it was clear that Empey could not recall me due to lack of signatures and support, Empey took those charges to the NLRB Region 28 under the guise of "petition for the IAEP" to represent the ICEP employees. I filed charges again at the NLRB Region 28 for fraudulent petitions for elections, provided a copy of one of the petitions and the Regional Director denied my charge. The director certified the petition as legitimate but did hold the election in abeyance. This decision limited, by definition, the choices of the PMT Employees to elect any other union or to totally understand what they were giving up with the ICEP. It is still my position that those petitions were fraudulent, obtained by an imposter, assisted by management under extortive working conditions. During the same time period, in the spring of 2014, Greg Empey filed a complaint against the ICEP at the Office of Labor Management Standards for not having an officer election. Greg Empey had just resigned from the ICEP prior to filing that complaint after being caught colluding with the company in negotiations unknown to the rest of the executive board. A charge was sent to the Office of Labor Management Standards for violations of the ICEP Constitution and by-laws, but was totally ignored and not responded to by Thomas Hayes, OLMS investigator for Phoenix. An NLRB charge was filed but the Regional Director refused to file a charge because it was

time barred. This collusion was proven during an NLRB Region 28 investigation and documents produced in that investigation.

During the OLMS investigation with Ed Oquendo, Los Angeles OLMS Investigating Supervisor, it was found the Mr. Oquendo was sharing information with Greg Empey during the investigation, a violation of government rules of investigation. Instead of taking responsibility, Oquendo blamed Thomas Hayes in Phoenix, and removed him from the case. Mr. Hayes had presented an investigation that was altered from what I had told him and allowed the complaint to continue, even though Empey was not eligible to make such a complaint. Oquendo refused to cooperate with the ICEP when it came to the investigative documents, provided Empey with protection, information and leverage that they I was not afforded by the same government agency. The Office of Labor management standards was conduction a partial investigation and no intention of leveling the playing field for the incumbent officers.

After Ed Oquendo refused to provide us with the same information that he had provided Greg Empey. I filed the first of many "Freedom of information Act" request to obtain that information. It was rejected due to the ongoing investigation, again, covering up for Greg Empey's agenda. At this point, between the NLRB's refusal to litigate my claim that Empey was a management colluder, and now the Office of Labor Management Standards investigation designed to assist in the election of Greg Empey, I was out of options to have law enforcement represent the union and its unit members. The OLMS submitted a request for a "voluntary compliance" to have this election by December of 2014, but due to their refusals of information requests and clear favoritism for Greg Empey, I refused.

The OLMS then summoned the Department of Labor and the Department of Justice to litigate this matter in US District Court under Judge Neal V. Wake, case number # CV-2014-01723-NVW. I intervened on that case to litigate for the union against the Department of Justice, but defaulted under the "unauthorized practice of law" rule for Unions and Business entities. During that case, I filed a countersuit for retaliation against a federal witness and discrimination, not knowing at the time the level of government corruption I was facing at the time. It was also rejected. However, the Judge, the DOL and the DOJ had clear knowledge that this was an unlawful case, but proceeded on technicalities and never inquired about the abnormalities, but instead, ordered the ICEP Officer election by default.

During the process, we had our first election meeting. Thomas Hayes was removed from the case for colluding with the complainant, so Ed Oquendo and

Phoenix Bueosoleil supervised the meeting. During that meeting, Oquendo stated that the ICEP's 2013 constitution and by-laws would be disregarded in favor of the 2006 CBL. When I asked why, he stated, "It was a decision made between our Senior Legal representatives and the US District Court Judge in this case." He was clearly stating that "ex parte" communications had indeed occurred to design an election that I could not possibly win. The results of those actions were to change the entire OLMS rules on membership and paying dues to a scenario where people that were not even hired yet could vote in this election with no information on the ramifications of their vote. This scenario was deployed under preconceived fraudulent conditions and deployed without regard for their very own laws on the conducting supervised elections and the constitution and by-laws for the ICEP.

The NLRB and the Department of Labor installed, through what appears to be a concerted action against myself and my previous activities as a Federal Witness and Union Organizer, a system and an atmosphere that was hostile to the incumbent officers of the ICEP and, since the failure to stop a fraudulent collective bargaining process at my request, now has made an atmosphere conducive to violence. With the approval of a petition for the IAEP that the employer participated in, failing to enforce an MOU between the ICEP and the company as pertaining to emails and electronic devices left the incumbents with a government that not only refused to enforce law against the company, but aided in the destruction of the incumbency. I filed a complaint based on the facts that we encountered in the election to the Office of Labor Management Standards. I filed Freedom of information Act requests to obtain the information that the OLMS had given to Greg Empey. The complaint was dismissed, the election closed and the freedom of information act requests denied. When I continued to file the FOIA requests, I received the same rejection but with new answers, denied because the case is still OPEN. So we now have a SENIOR DEPARTMENT OF LABOR OFFICIAL CLOSE THE CASE WHILE THE FOIA OFFICERS DENY REQUESTS BECAUSE THE CASE IS STILL OPEN.

When I called Phoenix Buesoloeil about the matter, he stated that no court order was ever issued; therefore the results of the election are not certified by the US District Court. However, it did not stop the OLMS, the DOL and the NLRB from installing Greg Empey, Tony Lopez and John Gary as the new executive board and failed to stop the collective bargaining process by the IAEP/NAGE/SEIU 5000 engaged in with the company. Even when all branches of government involved had knowledge that the election was not certified as required by Federal Rules of Civil Procedure rule 52 and 58. Any 150 day period that the Judge has had to issue an

order has passed. I was an intervener on that case and am mandated to receive a copy of that order by Federal Rules of Civil Procedure. I put in a FOIA request for the order and it was denied because the case is still open. I called the US District court house in August of 2015 to get a copy of the order but they stated that no order existed.

With the pre meditated circumstances the government has put in place to assure Greg Emphy's ascension to President of the ICEP, will of the people be damned, the Department of Labor, the Office of Labor Management Standards and now the National Labor Relations Board, Region 28 have disregarded all rule of law and the courts, reversed the rules of the LMRDA in order to let anyone and everyone vote in an election they knew nothing about, then to be followed by the NLRB's blessing on June 30th, 2015 when the Regional Director dismissed my complaint because "the evidence reveals that pursuant to an investigation by the Department of Labor, Office of Labor Management Standards and a subsequent order by a US District Court an internal election was held" in reference to electing new officers. The Directors Omission of the results of the court case he quotes is now partially responsible for an illegal enterprise being conducted on PMT grounds against the PMT Employees and unit members of the ICEP of Az. The director officially changed the Unions Name to the Independent Certified Emergency Professionals, Local #1 affiliated with the International Association of EMT's and Paramedics (IAEP)NAGE/SEIU 5000, when he had no US District court order allowing him to do so. He then dismissed my case and allowed the new union to illegally collectively bargain on behalf of the unit members who were not aware of the situation.

When I filed the current charge, the Regional Director assigned the case to an investigator that was not available to take my affidavit. He added language that stated Miquel Rodriquez could take the affidavit in the absence of the investigator. I made a call to him in early September and he refused to take my affidavit, proceeded to chastise my complaint with a reference to my challenge to "Cornelle Overstreet" and a 20 question dissertation on why I think my complaint has any validity at all. He ended his call by stating, "email whoever you want" with a tone of disregard of the case Cornelle Overstreet assigned him to supervise. He also stated that it "Wasn't his job, or the job of the Regional Director to chase down evidence to prove my case", even after the Regional Director had issued an official dismissal in June asserting that was exactly what they had done, even though they failed to follow through to find a Court Order to back their decision. Now it is shown that the order does not exist and everything that has been done by Greg

Empey and the IAEP/Nage/SEIU 5000 has been illegal and will have to be reversed as fraud.

Over the past 10 years, it was made clear that the company wished to engage in subcontracting away the paramedic jobs of the ICEP. In 2009 , they were found to have unlawfully subcontracted and transferred unit work to IAFF Firefighters. The Courts mandated a reversal of that procedure and an order to make the employees whole for their loss of work. The company initially agreed to get it out of court, but then defaulted on the agreement and the case was sent to the 9th circuit court of appeals. The court upheld the decision and the company was sold soon after that decision to Rural Metro. In that 9th circuit court order, it upheld our memo of understanding, which allowed us access to the company's electronic equipment. The Regional Director reversed that order by denying my requests for emails to prove the coercion between the company and Greg Empey. The Director indicated that the emails weren't a viable complaint and no access to the email system would be allowed, again, intentional or not, alleviating Greg Empey of any indication of more coercion. Now the Regional Director again subverts the US District court process by making declarations that were never made by the courts. On August 6th, I informed the Regional Director that the CBA was being ratified under fraudulent conditions and asked him to stop the process in an email of that date:

As we speak, ICEP/Nage are holding "town hall" meetings and a vote on a CBA that was negotiated by people that aren't authorized to do so or even officers of the Union. All have knowledge of this fact, and yet the persist with under the guise of "Duly Elected Officers" , which could not be farther from the truth.

The lack of enforcement, the lack of Certification and court orders and the ongoing misrepresentation of EMS employees is responsible for this situation. I will be filing NLRB charges for unauthorized bargaining, among anything else that applies. I recommend an immediate "Cease and desist" order be sent to the union officers to stop this purposeful misrepresentation from continuing without the blessings of the US District Court, District of Arizona.

At that time, the NLRB Region 28 had knowledge that the US District Courts had not concluded this case, but failed to stop the unlawful process they allowed on June 30th, 2015. Greg Empey announced on August 28th, that the CBA had been ratified 97-6 and was demanding dues at that time. I have a "breach of contract" and "unjust enrichment" case being litigated concurrently with this case and the investigation at the OLMS/DOJ . After the FOIA requests and the US District

courts affirmed that there was no court order certifying Empey as President, I filed an amended complaint to the Arizona Superior Court and added "Fraud" as charge number 1. That was filed on September 17th, 2015 and a copy was received by Empys attorney on September 18th, 2015. Greg Empey immediately resigned as President, quoting Health and Family issues while the company immediately placed the CBA into effect. However, the 2 year long conspiracy with intent to defraud the PMT employees was now complete with a ratified CBA and nothing to say otherwise.

This concludes my sworn affidavit for the charge filed on August 7th, 2015 and assigned the case number 28-CB-157640.

- 1) The vote by the ICEP to affiliate with the IAEP has now been proven unlawful
- 2) The bargaining agents, therefore, are not authorized to participate in bargaining for the unit members of the ICEP, yet they did so
- 3) The entire ICEP executive Board and trustees are portraying themselves as "duly elected officers" when it has been proven that they are not.
- 4) These imposters coerced the unit members into an "on company property" CBA ratification vote and announced the results on August 28th, 2015.
- 5) All actions and court cases have been put forth by the NLRB Region 28 and the ICEP officers installed unlawfully by the OLMS and Certified by the Regional Director are proven fraud and their results do not exist.

The actions of these branches of government, the ICEP, and the IAEP have perpetuated an atmosphere of that could result in violence against anyone that challenges the fraudulent process that occurred over the last 2 years. Now money has exchanged hands while the government allows it to happen with total disregard to a lawful process.

//Joshua S Barkley

OOA / September 20th, 2015

Notice of Claim

Plaintiff

Joshua S. Barkley
2234 W. Riviera Drive
Tempe, Arizona, 85282
jbarkley40@yahoo.com

Department Of Labor

Joshua S Barkley
#CV-2015-091339

v.

REF: Arizona Superior Court case
CV-2015 091339

US District Court Case #
CV-2015-00713-PHX-SPL

Notice of Claim

US Department of Labor Investigators
Phoenix Bueasoliel, Thomas Hayes and Edward Oquendo
Former US Department of Labor Secretary Thomas Perez
US Department of Labor, their employees, agents and officers.

Pursuant to 12-821.01. Authorization of claim against public entity, public school or public employee

This letter contains a claim against the US Department of Labor, Tom Perez, Edward Oquendo, Thomas Hayes and Phoenix Buesoliel, for constitutional and civil rights violations while under the care of Judge David K. Udall and the Maricopa County Superior Courts in a case exacerbated by the Department of Labor's Union fraudulent supervised election case # CV-2015-00713-PHX-SPL . The Department and these officers acted "Ultra-Vires" by knowingly placing non certified officers in charge of the Independent Certified Emergency Professionals of Arizona. Their actions caused great financial and personal harm to this plaintiff and former president of the entity. Their intentional manipulation of the law allows for illegal control of that enterprise and the enterprise is being operated unlawfully with full knowledge of these party's

Factual Basis for the claim

On March 11th, 2015, This US Government Department placed in office, uncertified officers to run the union. This Plaintiff filed suit against the Independent Certified Emergency Professionals of Arizona after a US Government Supervised officer election took place in the US District Courts of Arizona. This plaintiff was unlawfully removed by these officers of the Federal government who failed to certify the election. On March 11th, 2015, the individuals that were unlawfully placed into positions of officers, held another unlawful affiliation election on March 24th to dramatically increase their size and resources. The fact that the new officers clearly ran for office to transfer the union to an international is unlawful, as the US Supreme Court has found that to be extortion. The fact that the Maricopa County Superior Court Judge David Udall denied my injunction request to stop the affiliation election after the suit had been filed is unlawful. The fact that the US DOL and the named officers placed these officers into office without a mandated election certification from the Judge is the base and launching point for all illegal activity initiated by the unlawful officers.

The individuals that are presenting themselves as defendant were not declared officers and there was no certification of their election at the time they ran the affiliation election. All actions by this defendant were legally premature and now unlawful. This undeniable fact came out during a civil suit against the Union at the State level. The case concluded in November 16th, 2017 and this letter is an timely notice of action against the State and Judge David K Udall.

1. Legal Basis for the claim.

Fraud

Under the supervisor of Tom Perez, USDOL Secretary , an Unlawful executive board was installed by the DOL and launched ana almost 3 year period of extortion and fraud with the full knowledge of the named party's . Additionally, Arizona Superior Courts unlawfully allowed an affiliation election with an international union, exponentiating the damage. (Case # US District Court Civil case # **2:14-cv-01723**)

Unlawful takeover of the Defendant entity:

a) Officers of the Defendant are elected through a court supervised election. That process mandates a certification of election be issued by the federal Judge. In this case, that never happened and the defendants' officers are illegally in charge of an enterprise with the blessings of the US Department of Labor and their named and unnamed officers and employees.

b) In August of 2015, the Department of Labor announced that there is no certification of election for the supervised election of Independent Certified Emergency Professionals Officers from the above named case, and those individuals have no authority to defend a case, or to retain counsel to defend any case, on behalf of the defendant., but the Department of Labor refused to remove them from office. All dues collected, attorneys retained, and bills paid through

dues collections and by these individuals are a violation of the criminal code of Arizona.

Fraud

1) The US Department of Labor failed to reverse that unlawful decision . The Plaintiff submitted many opportunities for the DOL to reverse direction, but they declined. All requests for information were concealed by the Department of Labor in a case which they actually fought to conceal documents pertaining to an "open and transparent" election. This FOIA suit involved the same entity to use the same DA to defend their case in the same court where the violation took place. The DOL refused all information on a "clear and transparent" Government supervised officer election.

Constitutional Violations

1) The Department of Labor is continuing to conduct an unlawful operation of a labor union that they installed. This violates this plaintiffs 5th and 14th constitutional rights to due process and extorts me out any proceeds from this entity due me.

2) The courts went on to violate my 7th amendment right to Jury trial, my right to litigate against the entity sued, and forced me to litigate against a known unlawful defendant.

State Mandated extortion

The DOLs decisions fly in the face their own Federal Laws, the rules of civil rules of procedure and Arizona Revised Statutes and their failure to act is now allowing the unlawful Defendant to extort me further for attorney's fees (on appeal) to pay for a defense executed by a fraudulent third party that never asked to intervene.

Amount of Claim

\$40,000 dollars in Defendants attorney's fees.

\$4,700,000.00 in lost awards legally due to the plaintiff.

\$200,000 in Compensatory damages

Cumulative Sum certain of \$4,940,000 (Four million, nine hundred forty thousand dollars and zero cents.

The responsible parties conducted themselves in such a manner, in both of their official and their individual capacities that violated clearly established rights. Claimant asserts that the responsible party's actions have caused substantial harm that entitles him to monetary damages for the claims listed and payment of these claims is justly due.

Claimant is also entitled to be compensated due to the actions of the Department their officers and employees for acting in their individual capacities and intentional acts because their actions were so malicious, so unlawful and so reckless in their disregard for the plaintiffs clearly established rights.

Declaratory Relief

This civil "breach of contract / unjust enrichment" case is now on appeal at the Arizona Court of Appeals, division 1, case # CA-CV 17-0772 and I will be seeking declaratory relief to reverse the damages that The US Department of Labor has imposed upon me.

Injunctive relief

I will be seeking injunctive relief to restrain the DOL from further participation in governing the ICEP of Arizona and to reverse ALL damages already done.

Any suits may be filed in Federal Court under Title 42 United States Code standard 1983. This suit asks for Relief of all orders made in violation of the Law, that Due Process of Law be allowed, and further issue relief as the court deems appropriate.

SIGNATURE PAGE

//Joshua S. Barkley

Signed this 13th day of May, 2018

/s/ Joshua S. Barkley
2234 W Riviera Drive,
Tempe, Arizona 85282
480-213-6777

TRANSMISSION VERIFICATION REPORT

TIME : 02/11/2019 09:17
NAME : OMX0419
FAX : 4809212079
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SER.# : U63314M3J587131

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**IN THE UNITED STATES NATIONAL LABOR RELATIONS BOARD,
REGION 28. PHOENIX ARIZONA
&
UNITED STATES DEPARTMENT OF LABOR**

CEASE AND DESIST

To: Cornelle Overstreet, Regional Director NLRB Region 28.

Phoenix Beausoleil, Department of Labor investigator.

Cease and Desist the current "Petition for Election" hearings and recognition of the ICEP/Nage/5000 at the NLRB Region 28.

Both the Department of Labor and NLRB Region 28 are aware that there is no ratified officer representing the ICEP and the NLRB's recognition of the ICEP "affiliation" election with NAGE 5000 was done prior to, and without , any mandated certification of union officer election.

All actions taken by ICEP Counsel and Officers are unlawful without a Certification of Election from Judge Neal V Wake of the United States District Court, District of Arizona case no. Case CV-14-01723-NVW

The Judges "default" order in December 2014 was to force the election on a union that collected no dues and lacked the resources to hire counsel. Thus the default order.

The Judges default order forced the election but can not and does not certify any winner. The lack of a certificate of election by Judge Nell V Wake violated (29 U.S.C. 482) c and d.

Not only did the Judge not certify the election , the lack of that order removed the right to appeal. Also covered under the LMRDA.

The certification of an Union Officer election held in a United States Distric Court Requires a decreee entered by the presidien judge. This is a law enforcement mandate under the Labor Management Disclosure and Reporting Act.

Enforcement (29 U.S.C. 482) c and d.

Department of Labor investigator "Phoenix Busoleil" notified this ICEP officer of this failure to verify in August of 2015.

The Regional Director put forth a decision on June 30th and again in December of 2015 that over rode the LMRDA allowing a second unlawful election in less than 30 days. *(March of 2015 affiliation election at PMT Ambulance, Mesa Arizona, with the International Assocaition of EMT's and Paramedics, SEIU/ Nage 5000)*

Please cease and desist all proceedings and recognition of counsel and Officers of the ICEP and withdraw them from your "petition for election" proceedings. This is the third unlawful election forced on the members of PMT/ Lifeline ambulance in 4 years by multiple agencies of the United States government.

Thank you.

Joshua S Barkley.

President of the Independent Certified Emergency Professionals of Arizona.

February 7th, 2019

/s/ Joshua S. Barkley



1 Joshua S. Barkley
2 2234 W. Riviera Drive
3 Tempe, Arizona, 85282
4 jrbarkley40@yahoo.com
5
6

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ARIZONA**
9

10 Plaintiff:)
11)
12 Joshua S. Barkley,)
13 sole and single)
14 Individual party) **Motion for Emergency Injunction**
15) **CV-2015-00713-PHX-SPL**
16)
17 Vs)
18)
19 Defendant:)
20)
21 Independent Certified)
22 Emergency Professionals)
23 Of Arizona, Local #1)
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FACTS OF THE CASE

1) a. The Plaintiff has filed an Amended Complaint against the Defendant for Breach of Contract and Unjust enrichment, a complaint the defendant has attempted to dismiss multiple times and failed. The complaint asks for relief to maintain the bargaining unit to preserve the union and its ability to pay:

7. The Plaintiff requests that no act by the union or negotiation can diminish the union's ability to pay this debt.

b. In the Defendants motion to dismiss, (denied on August 25th, 2015, in US District Court) the defendant claims he is the "duly elected President of the ICEP". In the opposition to that motion, the Plaintiff asks for a US District Court order to prove that fact. As of August 19th at 09:30 am, that order has not been provided to the US Governments election Supervisor.

c. On August 4th, 2015, the Plaintiff filed the opposition to the motion to dismiss and as of today, August 20th, has received no reply from the Defendant.

d. On August 18th, the Defendant moves forward with a vote on a collective bargaining agreement that can and will reduce the hours and the size of the

1 Bargaining union, thusly reducing the union's ability to pay. It is of particular note
2 that the defendant's motion to dismiss declared that this suit prevented their ability
3 to collectively bargain with the employer, yet just 2 weeks after the opposition to
4 the motion to dismiss is submitted, they have a vote on a completed collective
5 bargaining agreement. (Article 1). This agreement removes all job protections
6 from Subcontracting, (Article 1, page 40 article 30) a direct move by the company
7 to reduce the size of the unit at a much higher price without any interference. They
8 now have full endorsement from the Union for the company's plan.
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13 e. Article 1, page 9 section 2 L, includes language that can change the entire unit to
14 "Part time", Thus eliminating them from union eligibility and reducing their ability
15 to pay the debt by definition.
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19 f. Article 1, page 9 Section 4 E, allows the right to layoff when lack of work occurs
20 as they participating in handing out the work through subcontracting in the same
21 agreement.
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25 g. This case has the added complication that the Defendant has not proven his
26 claimed position in the union nor has he proven that he possesses a Bond as
27 required to participate in financial matters facing the members. (OLMS section
28

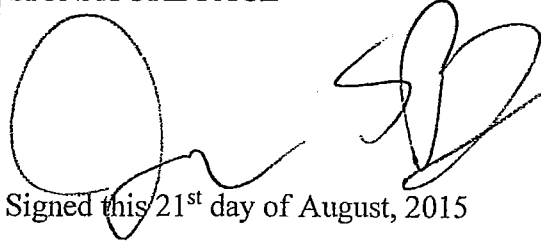
1 502, a.)

2
3 These actions by the defendant move to circumvent the Courts authority, (now
4 pending decisions on these matters) the rights of the plaintiff and the rights of the
5 PMT Ambulance Employee. If the Defendant cannot prove the aforementioned
6 details, then he conspires to commit fraud on the Court, Plaintiff and employees.
7
8 (US Code title 18, part 1, chapter 19, § 371)
9

10
11 **Request for Emergency Injunction**
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15 For the reasons mentioned in this pleading, the Plaintiff respectfully asks the court
16 to place an immediate injunction against the Defendant, the Independent Certified
17 Emergency Professionals of Arizona, and their officers from imposing and
18 deploying the collective bargaining agreement of August 28th, 2015, the ability to
19 pay any debts incurred from this suit, and defraud the Court, the Plaintiff and the
20 PMT Ambulance employees.
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SIGNATURE PAGE



Signed this 21st day of August, 2015

/s/ Joshua S. Barkley

2234 W Riviera Drive,

Tempe, Arizona 85282

480-213-6777

CERTIFICATE OF SERVICE

Aiken Schenk, Harkins and Riccardi P.C.

Michael J Petit, Jr.

Erin Hertzog

2390 E. Camelback rd. Suite 400

Phoenix, AZ 85016

602-248-8203